

















# CIVIL GOVERNMENT

LOCAL, STATE, AND NATIONAL

—BY—

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AND

# THE HISTORY OF MISSOURI

—BY—

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## PREFACE.

This book has been written in the hope that it will serve to promote and improve the study of government and state history in the schools of Missouri. It is apparent that many children who leave the elementary school are ignorant of and indifferent to the simple facts of civil government in the United States as well as unacquainted with Missouri history. As most of these pupils do not attend a higher school this condition can not be remedied in the secondary school or college. The great majority of our voters and citizens must receive their training in citizenship during their years of study in the elementary school. Hence, the problem which arises is that of presenting historical and political facts in such a manner as to interest the pupil and develop in him true political ideals and sentiments.

Recognizing that the child in the elementary school can appreciate only the simple facts of government it has been the endeavor to avoid difficult problems and to omit all discussions of a technical legal or constitutional character. Moreover, as it is believed that the child can more readily understand those institutions which are close at hand and can be used for illustration, the text begins with a consideration of local government. The average pupil can be made to understand the institutions of local government which come within the range of his personal experience. Illustrations with which he is perfectly familiar can be used and will serve to arouse his interest and stimulate his imagination. By drawing comparisons between the family and school and local government the pupil can be brought to an appreciation of the fact that he is a part of the government and thus be given the initial step in the training in citizenship.

From these local institutions it will be possible to proceed by successive stages to those of the state and nation. If the proper methods are used to retain the interest of the pupil he will appreciate his connection

with the broader fields of activity and organization in the same way as he has become conscious of his relationship in the narrow circle of his home. The teacher must not depend solely upon the text-book but must constantly supplement it with illustrations which will show the living, human interest of the subject. Under the guidance of the teacher the pupil can be led to present illustrations taken from his daily experience as well as from special observations of particular local agencies of government.

The history aims to record the Story of Missouri, the important facts from the days of Indian occupation to the present. It is sought to give such knowledge of Missouri history as will aid to an understanding of government and inspire toward useful citizenship.

Questions on the text have been prepared for the history and civil government. As these are intended primarily for use by the teacher they are inserted in the "Appendix."

COLUMBIA, MISSOURI, JULY 6, 1906.



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# CIVIL GOVERNMENT

## LOCAL, STATE AND NATIONAL

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### PART 1.

### NATURE AND KINDS OF GOVERNMENTS.

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#### CHAPTER 1.

#### THE MEANING OF GOVERNMENT.

**Necessity for Government:**—Wherever a number of people live together government of some kind must be provided to secure and maintain peace, order and justice. Perhaps two persons may claim the same thing. A dispute will arise and each may use force to secure the object unless there is some way to decide who has the better claim to the property. For similar reasons there must be rules providing how persons shall act in certain cases. For example, when two persons are driving upon the same road in opposite directions there will be a collision unless they follow some common rule for turning to the right or left. Even when rules are made certain persons may refuse to obey them and thus cause injury to other persons. This would lead to quarrels and disorder if there were not some way to punish the persons who have broken the rules and provide satisfaction for the persons who have been wronged. The body which provides these rules of action or laws settles disputes and punishes persons who violate laws is called the government. While the securing of peace and justice

are the chief purposes for which it exists, the government may be called upon to do many other things. Some of these governmental activities will be discussed in later chapters. Whatever the government does, however, should be for the general welfare of its members or the persons who are subject to its laws.

**Government of the Family:**—Every person is a member of several kinds of government. The smallest is the government of a family. Justice, peace and order are just as important in the family as in the larger units of government. Where two children claim the same plaything the father or mother must decide which one has the better right to it or a quarrel will result which may disturb the entire family. Order cannot be kept in the family if every one is free to come and go as he chooses. There must be regular hours for meals, for household duties, for study and for play. A child enjoys many privileges in the family. He receives care, support, education and affection. In return he is subject to certain duties. He must render obedience and must respect the rights of other members of the family. He should do this freely because he cannot expect that these persons will respect his own rights unless he is willing to do the same thing for them. One cannot enjoy rights unless he performs the duties that go with them. Unfortunately it happens in the government of the family, as in that of the State, that its members do not always obey its rules or respect the rights of other members. In such cases punishment of some kind must be imposed upon the offending child. This punishment should be of such a nature as to lead to better conduct in the future.

**Government of the School:**—An example of a larger sphere of government is to be found in the school. Here also, peace and order are necessary for the welfare



of the members of the school community. The pupil is just as much interested in the enforcement of the necessary rules as is the teacher. The condition is similar to that which is found in the school literary or debating society or on the base-ball or foot-ball field. A society cannot carry on its program unless order is preserved and this can be secured only with the assistance of its members. A ball game cannot be carried on without certain rules and if the persons engaged in the game do not obey the rules or support the umpire's decisions the game will lead to quarrels and finally be broken up. In the school, society, or on the play-ground as in the family the rules of government are intended for the common welfare. As such they should be obeyed by all members of the community.

**Government of the State:**—When one speaks of government he usually has in mind political government or the government of the state. The state includes a large number of people and the number of rules or laws which are necessary for securing peace, order and justice and for providing for the general welfare in other ways is very much larger than in the family or school. Some rules provide means for defense against foreign nations. Some are intended to protect the lives and property of individuals, while others provide for the construction of public buildings, streets, parks and public works of different kinds. The government is established for the purpose of securing these ends. It is the means by which the people of the state secure the adoption and enforcement of such laws as they desire and the doing of such acts as these laws may require.

## CHAPTER II.

### DIVISIONS AND DEPARTMENTS OF GOVERNMENT.

**Necessity for Divisions:**—In modern states it is not possible to have one body attend to all the matters of government. This is especially true of the United States which has a vast territory and many millions of inhabitants. The climate of one section of the country differs from that of others. Some of the states are chiefly agricultural, while others have many large factories or depend chiefly upon their mines. Some produce wheat and corn, some cotton, and others fruits. These differences in climate and productions lead to differences in the needs of the people and hence to differences in their laws and in the activities of their governments. In the United States there are three main groups of governments representing divisions of territory, namely, local, state and national governments.

**Local Governments:**—The local governments are the smallest but they attend to matters which are of most importance to the people. They keep order and protect persons and property, collect taxes, provide public schools, help the poor, build streets and bridges, look after the public health and, in some cities, provide water and lighting systems. Local governments exist in counties, townships, cities, villages and school districts.<sup>1</sup>

**State Governments:**—The State governments provide the general rules for the protection of the lives and property

<sup>1</sup>For a full discussion of the work of local governments see Chapters IV. and V.

of the people. These rules are enforced by the local governments. If, on account of riots or for other reasons a local government is prevented from enforcing the law, the state will assist in such enforcement by means of its military forces. The State government assists the local governments in the performance of some of their duties and attends to all matters which cannot be satisfactorily provided for by these authorities. Thus, for example, the State government maintains a university and normal schools, and schools for the blind, and deaf, supports hospitals for the insane and a penitentiary for criminals as well as reform schools for boys and girls. It regulates insurance companies and railroads and takes measures for promoting the agricultural, laboring and manufacturing interests of the state.<sup>1</sup>

**National Government:**—The National Government deals with all matters affecting our relations with foreign countries, maintains an army and navy for national defense, provides a postal system, has charge of the territories, Indians and public lands, controls inter-state commerce and attends to many matters which affect the people of more than one state.<sup>2</sup>

**Three Departments of Government:**—A government is divided into three departments according to the things which it is expected to do. In the first place, as we have already seen, the government must express the will of the people by enacting or making rules of law. When these rules have been enacted differences of opinion will arise as to their meaning so that it becomes necessary for the government to decide the disputes by declaring the meaning.

<sup>1</sup>For a full discussion of the work of the State Government see Chapters VI-XII.

<sup>2</sup>For a full discussion of the work of the National Government see Chapters XIII-XIX.

or, as it is said, by interpreting the laws. Finally the will of the people, as expressed in rules of law, must be enforced, or the government must execute the law. In the experience of states it has been found best to separate these three activities of governments and assign each to a distinct department. Thus the Constitution of the United States and of Missouri provide a legislative department which is given the duty of enacting the law, a judicial department which interprets the law and settles disputes, and an executive department which executes the law. No law should be enacted which does not represent the will of the people. Hence the legislative department consists of a large number of members, chosen by the people, who can discuss measures fully before adopting them. The interpretation of the law should be absolutely just and impartial. Hence provision should be made for securing able, upright and independent judges. The execution of law should be efficient. Hence the executive should be a single individual or a small board or committee, as a large number would produce differences of opinion and thus lead to delay which may be a serious evil in the execution of the law.



## CHAPTER III.

### OFFICIALS AND ELECTIONS.

**Necessity for Officials:**—In all of the divisions of government it is necessary that there shall be officials, that is persons who are to act for the people in making laws, enforcing the same and in deciding disputes which may arise. In a few cases the people meet together or vote to decide certain questions but generally the decision is made by persons who represent the people. It would be inconvenient and expensive for the people to meet and vote upon all questions.

**Methods of Choosing:**—An official is chosen either by election, that is by a vote of the people, or by appointment, in which case he is given his office by some superior official. In the national government, the president, vice president and members of congress are elected but all other officials are appointed. In Missouri, on the other hand, most of the important officials of the state and local governments are elected.

**Elections:**—It is necessary that elections shall be held where the people can *vote*, that is *state* their choice between the *candidates* or persons who desire to hold the office. General elections for national, state and county officials are held once in every two years on the Tuesday after the first Monday in November. Elections for city and school officials are generally held each year on the first Tuesday in April.

**Suffrage:**—All persons do not have the *suffrage*, that is the right to vote at elections. In Missouri this right



is given only to men who are citizens, twenty-one years of age, and have lived in the state at least one year.<sup>1</sup> The right to vote is also taken away from persons who are kept in public poor-houses, asylums and prisons.

**Nominations and Political Parties:**—While a person may vote for any one for an office the election is generally restricted to the candidates who have been *nominated*, that is elected by the different *political parties*. A political party is made up of voters who have the same opinions on certain questions of public policy and are opposed to the views of other political parties. These parties hold their own elections, which are called *primaries* or *conventions*, to nominate candidates for the offices which are to be filled at the national, state or local elections and each party tries to secure the election of its candidates.

**The Ballot:**—A *ballot* is a piece of paper on which is written or printed the names of the candidates for whom a person desires to vote. In order that a voter may be free to vote for whom he pleases care is taken to prevent him from being improperly influenced in casting his ballot. In the voting place he makes out his ballot in a private booth and hands it to the judges, who are the officials in charge of the election.

**Results of the Election:**—The election generally continues throughout one day. At the close the judges and clerks count the ballots and make a list of the number of votes received by each candidate for office. The candidate who receives the largest number of votes for an office is declared elected.

<sup>1</sup>A foreigner who has not lived in the United States long enough to become a citizen may vote, if he has declared his intention to become a citizen.

# PART II

## LOCAL GOVERNMENTS

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### CHAPTER IV.

#### COUNTIES AND TOWNSHIPS.

**Kinds of Local Government:**—It is the principle of local self government that the people of a locality have the right to choose their own officials and manage their own affairs. This principle is firmly established in most of the states. For purposes of local government Missouri is divided into counties, townships, and school districts. In addition to these divisions, certain parts of the state in which a large number of people have settled in a small compact area, have been organized as cities, towns and villages. In these local divisions citizens are permitted to manage their own affairs, through their own officials, except as regards a few matters that are of general interest to the people of the entire state.

**Origin of the County:**—The county is the largest of these divisions. As is true of the greater part of American government the county had its origin in England. At the time the English established colonies in America, England was divided into a number of counties, in each of which there was a government to attend to the local affairs of the people of the county. It was natural that the colonists should bring with them the kind of government which they had at home and thus it happened that the English county government was introduced into Virginia and most of the other colonies. Later when Territories were formed out of the western lands, they were likewise

divided into counties. In this way county government was brought into the Territory which later became known as Missouri.

**The Counties in Missouri:**—Originally there were only five counties in this territory. As the population increased these counties were divided and sub-divided by the legislature. At the time State government was introduced in Missouri there were 15 counties, while today there are 114 counties besides the City of St. Louis which is treated as a county. These counties vary in size from Worth County with 270 square miles to Texas County with 1145 square miles. The boundaries of counties were defined by the state legislature but it cannot change the present boundaries without the consent of a majority of the voters of the counties affected by the change. Some place in each county is selected as the *county seat* or the head-quarters of county government. Here are located the offices of the county officials, the court house, jail etc. The location cannot be changed except with the consent of two-thirds of the voters of the county. The number and kind of county officials and their powers and duties are fixed by the legislature and county governments cannot do anything which they have not been authorized to do.

**County Officials:**—A large number of officials are required for the many kinds of things which must be attended to in the county. At first they were appointed by the Governor, but today all important county officials are elected by the people of the county. The County Court is the chief county authority. The other county officials are the Clerk of the County Court, Judge of the Probate Court, Clerk of the Circuit Court, Recorder of Deeds, Assessor, Collector, Public Administrator, and Surveyor, each elected for a term of four years and a Prosecuting Attorney,

Sheriff, Treasurer, Coroner and School Commissioner or County School Superintendent each elected for a term of two years.<sup>1</sup> In a few counties some additional officers are chosen. Counties having "township organization" do not elect a county assessor or collector.<sup>2</sup>

**Compensation of County Officials:**—Some county officials are required to devote all of their time to the duties of their offices while others are expected to act only upon certain occasions. In all cases, however, the official is entitled to be paid for his services. Different methods of payment are provided. The county treasurer receives an annual salary the amount being fixed by the county court. Some officials are paid for each day of service. Thus each of the members of the county court receives \$5 for each day in which he is engaged in holding court. Most of the county officials, however, are paid under the fee system. They are permitted to charge certain amounts called fees for most of their official acts and retain these payments as compensation for their services.<sup>3</sup> The law fixes the maximum amount of fees which can be retained by the different officials the surplus being paid into the county treasury.<sup>4</sup>

**County Court:**—The County Court consists of three judges. The county is divided into two districts, each of which elects a county judge for a term of two years. The voters of the entire county elect a presiding judge who serves for four years. The County Court is not, as one might imagine from its name, a judicial body. It has a

<sup>1</sup>An amendment to the Constitution of Missouri, changing the term of the Sheriff and Coroner from two to four years, was adopted by the people in November 1906.

<sup>2</sup>See page 24

<sup>3</sup>The prosecuting attorney, in addition to certain fees, receives an annual salary, the amount being graded by the population of the county.

<sup>4</sup>In Jackson county, most of the county officials receive an annual salary and pay all of their fees into the county treasury.



few minor judicial matters to attend to, but its chief business is of an executive or administrative nature. It is not usually called upon to interpret the law or settle disputes but is required to carry out the provisions of the law and to manage the affairs of the county. In many states it is known as a Board of County Commissioners. It gets its name in Missouri from the fact that when it was first created it acted as the probate court and had other judicial duties which today are performed by other bodies. The county court attends to the business affairs of the county. It looks after the expenses and must provide for taxes to raise enough money to pay all legal claims against the county. All bills and demands must be submitted to the court for examination. If the court finds an account is correct it issues an order for the amount, which will be paid by the county treasurer. The court constructs and has charge of the court house and all county buildings. It takes measures for the opening of county roads and may provide for the construction of bridges and other improvements on the same. It provides for the relief of poor persons and for this purpose generally maintains a county poor-house or infirmary. In order to carry on certain occupations licenses must be obtained from the county court which may also grant permits to railroads, telegraph companies, etc., to use the county roads. It provides for the investment of the county and other local school funds; appoints certain officials and fills certain offices; has certain duties to perform in connection with the elections and the selection of petit and grand juries and exercises a general superintendence over county affairs and officials. In counties with a large population the county court must meet at least once in every month. In other counties a meeting must be held at least once in every three months, but the court may, and frequently does, hold special meetings.



**Clerk of the County Court:**—The chief duty of the clerk of the county court or, as he is generally called, the county clerk, is to keep the records, that is, an account of the proceedings of the county court. He has, however, many other duties to perform in connection with nominations and elections,<sup>1</sup> assessing and collecting the revenue, apportioning the school funds among the several school districts and attending to various special matters delegated to him by the county court or by the legislature.

**Clerk of the Circuit Court and Recorder:**—The clerk of the circuit court, or, as he is generally called, the circuit clerk, keeps the records of the circuit court which is held in each county of the state.<sup>2</sup> He issues all legal papers which are necessary to carry on the proceedings of the court or to execute its judgments.

The Recorder of Deeds keeps a record of all deeds, mortgages and other documents having to do with the title to property. His books are open to the public so that one who wishes to buy any property can find out if the person who offers to sell it has a good title to the same. The recorder also issues and records all marriage licenses. In the smaller counties the offices of circuit clerk and recorder are united. They are usually separated in counties with a population of over 10,000.<sup>3</sup>

**Sheriff:**—It is the duty of the sheriff to preserve peace in the county and to arrest all offenders. He also has duties to perform in connection with the circuit court and other courts in the county.<sup>2</sup> He notifies jurors, witnesses and other persons whose attendance in the courts is necessary; preserves order while the courts are in session; ex-

<sup>1</sup>See page 15

<sup>2</sup>See page 70

<sup>3</sup>They are united in only 40 counties

ecutes the orders and judgments of the courts and has charge of the county jail.

**Coroner:**—If the death of any one is or seems to be the result of the act of another person, the coroner is required to call a jury of six men to investigate and, in case they agree that a crime has been committed and charge any person with the same, the coroner takes measures for the arrest of such person.

**Prosecuting Attorney:**—This officer prosecutes all persons who are brought to trial for crimes. His duties in this connection will be discussed in the chapter dealing with the Judicial Department of the State.<sup>3</sup> In most counties he is also the legal advisor of the county court and acts as its attorney in civil suits but in counties having a population of 75,000 or more a special county counsellor may be appointed for such purposes.

**Assessor, Collector and Treasurer:**—These three officers have to do with the revenue of the local and state governments. The duties of the assessor and collector will be considered later in the chapter on Taxation and Revenue.<sup>1</sup> The treasurer receives all money due to county from the collector or other sources. He must give bond or security for its safe-keeping and can pay it out only upon warrants or orders issued by the county court.

**Surveyor:**—The surveyor acts as county commissioner of roads and bridges under the direction of the county court. He makes surveys to fix the boundaries of lands either upon order of the county court or when desired by the owner of the property.

<sup>2</sup>See page 70

<sup>1</sup>See pages 52, 53.

**Probate Judge and Public Administrator:**—The probate judge and public administrator are concerned with the disposal of the property of deceased persons. The probate judges supervises and controls the acts and accounts of executors and administrators who have charge of such estates and decides disputes which arise respecting such property. The public administrator takes charge of such estates when directed by the probate judge or when no other person is authorized to do so. The probate judge has charge also of the appointment of guardians of minors, insane persons, etc., and supervises and controls their acts.

**County School Commissioner or Superintendent:**—The county school commissioner or superintendent has duties in connection with the system of public education and will be considered in the chapter dealing with that subject<sup>2</sup>.

**The Township:**—The average size of Missouri counties is about 600 square miles. This area is too large for certain matters of government and hence townships, which are subdivisions of the county, are created for purposes of convenience. In Missouri there are two kinds of townships, the "municipal" township and the "incorporated" township.

**The Municipal Township:**—The municipal township is not an important division of local government. It elects at least two justices of the peace for a term of four years and one constable for a term of two years. The chief duties of these officials have to do with the keeping of the peace and the administration of justice and will be consid-

<sup>2</sup>See pages 60, 61.

ered later.<sup>1</sup> The municipal township also serves as a district for elections and for other purposes of the county, but does not have any business or property of its own.

**The Incorporated Township:**—In New England the county is not important and the township attends to most of the affairs of local government. In the Middle and the North-western States where the county is important, some of its business has been handed over to the township. In Missouri, any county may adopt such a plan if a majority of the voters are in favor of the same. This is called township organization and the townships so organized are known as incorporated townships. They have power to hold property and make contracts and regulate certain affairs, chiefly matters affecting roads and bridges. Their officers are more numerous than those of the municipal township and include, in addition to the justice of the peace and constable, a township trustee, who is also treasurer, a township board of directors, consisting of the township trustee and two other members, a clerk, who is also assessor, a collector and as many road overseers as there are road districts in the township. All of these officers are elected for a term of two years. Counties having township organization do not elect a county assessor or county collector, as their duties are performed by township officers. Township organization has never been popular in Missouri and in 1906 only 18 out the 114 counties of the State were working under this system. A recent decision of the supreme court held that the method by which the system had been adopted in 16 of these counties was illegal. Hence the incorporated township is found to-day in only 2 counties. It is probable, however, that it will soon be adopted again by some of those counties in which it existed before the decision of the supreme court.

<sup>1</sup>See page 69



**Congressional Township:**—The congressional townships, which are sometimes spoken of as a third class of townships, are not divisions of government. They were created by congress in connection with the survey of the public lands of the United States. Before these lands could be sold it was necessary to survey them, that is to adopt some method by which to fix the boundaries so that one would know what lands he had bought. The plan selected provided for dividing the lands into rectangular areas, six miles square, or 36 square miles. This area was called a congressional township. Each township was divided in 36 sections. A section contained one square mile or 640 acres. Each section was further divided into quarter sections of 160 acres each. Each township and section received a number. It was an easy matter to locate a farm by its description, as for example, the north-east quarter of Section 32, Township 49. The location of the township is fixed by means of its distance from a base line running east and west and a meridian line drawn at right angle to such base line. A congressional township may have parts of its area in different counties while municipal and incorporated townships cannot cross county boundaries.

**School District:**—The public school districts and their government will be discussed in the chapter dealing with Public Education<sup>1</sup>.

<sup>1</sup>See page 58



## CHAPTER V.

### CITIES, TOWNS AND VILLAGES.

**Municipal Government:**—If all of the people of the state were engaged in agricultural pursuits there would be no need for any divisions of local government except the county, township and school district. As soon, however, as trade and manufactures begin to appear a new kind of local government becomes necessary. These industries require a large number of people and, as time is an important element, these people must live close to their place of employment. When a large number of people live in a small, thickly settled area their needs become different and more numerous than those which exist among a farming population. Crimes and disturbances will occur more frequently, hence the government must provide better means of protection and of preserving peace. When houses are close together the danger from fire is greater and special fire protection must be provided. In the country, if a person is careful, he can protect himself against contagious diseases. In the city, where he is close in contact with many people, he would be helpless if the government did not enforce rules to secure the public health. Among other things, people living in cities need sidewalks and rock or paved streets, a pure and ample water supply, lighting and sewer systems, street railways, parks, hospitals, etc. Some of these things can be secured only through government activity and, as most of them require the use of the public streets, the consent and supervision of the government is necessary for such matters as are attended to by private individuals or corporations. By

Municipal Government we mean the government which regulates such matters in cities, towns and villages.

**Incorporation:**—A group of people living in a city or town cannot exercise these powers of government until they have received permission to do so. As in the case of counties, these powers of government are granted by the state legislature. The grant is called a charter and a city or town which receives such a charter is said to be incorporated as a municipal corporation. At first the legislature passed a special act for each city or town, but as this led to lack of uniformity and other evil results the present state constitution forbids the legislature to pass such special acts. Instead the legislature is required to enact general laws governing cities and a community can become incorporated as a city whenever a majority of its taxable inhabitants present a petition to that effect to the county court setting forth the boundaries of the proposed city.

**Classification of Cities and Towns:**—As cities differ in their needs according to differences in population, the legislature is authorized to classify cities and to enact a general law governing each class. The legislature has provided for four classes of cities, as follows: First Class, those containing 100,000 inhabitants or more;<sup>1</sup> Second Class, those containing 30,000 and less than 100,000 inhabitants<sup>2</sup>; Third Class, those containing 3,000 and less than 30,000<sup>3</sup>.; Fourth Class, those containing 500 and less than 3,000 inhabitants and towns with special charters, even if they have less than 500 inhabitants<sup>1</sup>. A city which is in

<sup>1</sup>There is no city in the first class. Kansas City and St. Louis have special charters, while St. Joseph prefers to remain in the Second class.

<sup>2</sup>St. Joseph is the only city in the second class.

<sup>3</sup>There are 33 cities in the Third Class

<sup>1</sup>At present there are 219 cities in the fourth class.

one class may, if it gains the necessary population, enter another class, provided a majority of the legal voters are in favor of such change. There is also a class of towns and villages,<sup>2</sup> which contain a population of less than 500. In addition there are about 20 cities and towns which remain incorporated under special charters granted by the legislature before the adoption of the present state constitution. The constitution also provides that St. Louis or any other city with more than 100,000 inhabitants may frame and adopt its own charter. Kansas City is the only city besides St. Louis which has framed its own charter though St. Joseph has sufficient population to enable it to do so.

**Form of Government:**—The general form of government in all classes of cities and towns is much the same except that there are many more officials in the larger cities. In each there is a legislative, executive and judicial department.

**City Legislature:**—The city legislature is the body which enacts rules of order and provides for the various activities of the cities. Its enactments are called *ordinances*. In St. Louis it is known as the Municipal Assembly and consists of two houses, a Council and a House of Delegates. In Kansas City there are also two houses which was called the Upper and Lower Houses of the Common Council. In other cities the legislative body consists of only one house and is known as the Common Council in cities of the second class; Council in cities of the third class; Board of Aldermen in cities of the fourth class and Board of Trustees in towns and villages. Its members are elected by the people for terms which vary from one to four years. For this purpose the city is divided into districts called wards, each of which elects one or more mem-

<sup>1</sup>At present there are 320 towns and villages.



bers of the council.<sup>1</sup> In St. Louis and Kansas City, where there are two houses, the members of the lower house are chosen from wards while those of the upper house are elected on a general ticket by the voters of the entire city. The powers of this body are greater in large cities than in small cities and villages. In all cities ordinances must be approved by the mayor or passed over his veto by a vote of two thirds of the members of the legislative body.

**Mayor:**—In all classes of cities there is a Mayor who is elected by the people for a term which varies from two to four years. In towns and villages the chairman of the board of trustees takes the place of the mayor. The mayor is the chief executive of the city. He looks after the general enforcement of city ordinances, recommends matters to the city council, and appoints some of the city officials.

**Other Executive Officials:**—In all cities there are other officials who attend to different matters of administration. Some are elected by the people while others are appointed by the council or mayor or both. The number and kinds of such officials vary, being much greater in larger cities. The more important of these officials are the Assessor, Collector, Treasurer, Clerk, Attorney, Marshal or Chief of Police, Fire Chief, Engineer, Street Commissioner, Park Commissioner and Health Officer whose duties are indicated by their titles. When a city owns its own water and lighting plants these are under the charge of a Commissioner or a Board of Public Works. In St. Louis, Kansas City and St. Joseph the Police Department is under the control of Commissioners appointed by the Governor.

<sup>1</sup>In St. Joseph the voters of the entire city elect one member from each ward

**City Courts:**—When a person is arrested for violating a city ordinance he is entitled to a trial. It would cause delay and be a great burden and expense to bring all of these cases before the state courts. Hence local courts are established in each city or village for the purpose of trying these cases, and fixing the punishment in case the person is found guilty. An appeal may be taken to the higher courts of the state. These city courts are held by officers who are known as judges of the police court or police judges or justices, and are generally elected by the people of the city, though in St. Louis they are appointed by the mayor. In cities of the fourth class the mayor may act as police judge and in villages the city police court is held by the chairman of the board of trustees.

**Rapid Growth of American Cities:**—The Nineteenth Century was marked by a marvelous growth in the number and size of American cities. In 1790 there were only six cities with a population of over 8,000, and the total population of these six cities was 131,472. In 1900 there were 545 cities in this class with a total population of approximately 25,000,000. Moreover, one city contained more than 3,000,000 people and six cities had each more than 500,000 population. Missouri, is primarily an agricultural state, yet one-third of her people live in 35 cities having a population of over 4,000 each.

**Problems of City Government:**—This great growth in city population has brought into existence serious problems of city government. We have seen that in cities there must be large plants for furnishing water, light, telephones and means of transportation. These industries may be in the hands of private persons but the people have a deep



interest in them. In the first place all of these plants must make use of the streets of the city for their pipes, poles or rails and it is important that this use should be controlled in the interest of public safety and convenience and civic beauty as well as for securing to the city a part of the profits which result from such use. An equally important consideration arises from the fact that all of these things are necessities in a city and it becomes necessary to insure proper service. Finally, competition cannot exist in these industries, as it would seriously interfere with the use of the streets by the public if several companies were permitted to lay pipes and rails and string wires on the same streets. But when a company has no competition it will charge very high rates unless measures are taken to prevent such acts.

**Franchise:**—The right to use the streets of a city for these purposes is called a franchise. It is granted by the city council. In many cases city councils neglect to include proper safeguards in such franchise grants. In other cases, companies have bribed members of the council to grant them valuable franchises without requiring proper compensation for the city.

**Municipal Ownership:**—These practices have led to a strong demand for municipal ownership, that is, for the city to own and operate such industries. This has been done in some cases, especially in water and light plants. Many of these municipal plants have been well managed but failures have occurred in other cases on account of the incapable or corrupt officials who were put in charge.

**Municipal Reforms:**—The corruption which has appeared in cities has led to a demand for municipal reform. This has taken several directions but among the most important is the reformation of the civil service. In the

county and township most of the officials do not need any special qualification for their offices and frequent changes are regarded as beneficial since it keeps the officers in touch with the people. But in cities the duties of officials are much more difficult and special preparation is needed. The city is in many respects, like a large private corporation and business methods should be used in its affairs. Most of its officials should be chosen because of fitness for the work and should hold office as long as their services are satisfactory. It is absurd that a man's opinion on questions of national politics should affect his qualifications for positions such as policeman, fireman or street commissioner. Some cities have recognized this fact by introducing examinations for the appointment of such officers and doing away with removals for political causes. Much remains to be done in this connection.

**Public Opinion:**—Public opinion is the best means for securing such municipal reform. Difficulty exists, however, in securing such opinion. Most men feel that they are too busy with their own affairs to give attention to municipal conditions. They do not seem to realize that the affairs of the city are their own affairs. Citizens are beginning to understand that poor water and light, muddy streets, and unhealthy conditions are largely due to their own neglect. As a result an intelligent public opinion is arising in our cities which is bringing about better municipal government.

# PART III

## STATE GOVERNMENT

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### CHAPTER VI.

#### THE STATE CONSTITUTION.

**The Beginnings of American States:**—For the origin of the states in America we must go back to the Colonial Period. England established a number of colonies in North America. Each of these had its separate government, consisting of an executive, legislative assembly and courts as well as local governments. The people of thirteen of these colonies joined together to oppose certain acts of the British government and, when the latter used force, the representatives of the colonies in the Continental Congress declared that “these United Colonies are, and of right ought to be, free and independent states.” Thus the Revolution changed the colonies into states. When the federal union was formed these states gave up certain of their powers to the national government but they continued to be known as states. The relation of the states to the union will be considered in a later chapter.

**Colonial Charters and State Constitutions:**—Most of the English colonies had received written charters from the king. These charters granted title to a certain amount of territory and generally made provision for the rights of the inhabitants and the kind of government which should obtain in the colony. The charter was the fundamental law of the colony and if the governor or any official vio-

lated it his act was considered illegal. Some of the colonies were forced to give up their charters but the force of custom was strong enough to enable the people to retain the same general form of government and to receive the protection of their rights. When the colonies declared themselves independent states they naturally felt the need of having written charters as the basis of their new governments. In two of the colonies, Rhode Island and Connecticut, the old charters were so liberal that no change was necessary, but in the eleven other colonies state constitutions were adopted. The government provided by these constitutions was similar to that which had existed in the colonies.

**How Missouri Became a State:**—When the government of the United States was formed it came into possession of a large amount of territory which was not included in any of the thirteen states, and most of which was not inhabited. As people moved into this territory to settle they adopted simple rules for their own government. As the population continued to increase a more regular government became necessary and the national congress passed a law providing for the organization of territories. This law was the written charter of territorial government. The government provided was similar in form to that which existed in the states and provision was made for the admission of the territory as a state into the Union as soon as it had sufficient population. When the United States acquired the vast territory of Louisiana it pursued the same policy. In 1804 an act was passed establishing territorial government in Upper Louisiana which included what is now Missouri. As the population increased the act was modified from time to time so as to give the people a greater share in the government until in 1820 the people were authorized by act of congress to frame a con-



stitution and state government. This constitution was drawn up by a convention of representatives chosen by the people. Of the 32 new states which have been admitted into the Union, the great majority were created in this manner, though in the case of Vermont, Kentucky, Tennessee, Maine, Texas and California, other methods were followed.

**Analysis of the State Constitution:**—The first state constitutions were short documents containing only a few thousand words. They dealt only with the most fundamental matters of government and left the legislature to provide the details of organization. Later constitutions have undertaken to regulate more of these matters and hence have become much larger. The first constitution of Missouri contained about 10,000 words, while the present constitution contains over 25,000 words.

The constitution of Missouri, which is similar to most of the state constitutions, consists of fifteen articles and deals with the following matters:

1. The boundaries and jurisdiction of the state.
2. The bill of rights or that part of the constitution which protects the individual against the government. It contains provisions guaranteeing to individuals personal freedom and property rights, freedom of religion, speech and press, regular legal procedure, including right of trial by jury, etc.
3. The separation of the powers of government into three distinct departments, legislative, executive and judicial.
4. The framework of government, including the or-

ganization and power of these three departments and provisions for local governments.

5. Miscellaneous articles dealing with elections, revenue and taxation, public education, corporations, militia, etc.

6. Mode of amending and revising the constitution.

**Amendment of the Constitution:**—As the state increases in population and its industries multiply it becomes necessary to adopt amendments or make changes in the constitution. More courts may be needed or it may be desirable to increase or diminish the power of some department of government. In order for an amendment to become a part of the constitution it must be proposed by a majority of the members of each house of the state legislature and, after having been duly published for the information of the people, it must be approved by a majority of the voters voting on such amendment at a general election. Twenty amendments to the present constitution have been adopted in this manner.

**Revision of the Constitution:**—It may happen that the constitution as a whole has become unsuited to the people in which event a demand will arise for the adoption of a new constitution. In such a case the legislature provides for a vote of the people upon the question of holding a constitutional convention and, if a majority approve, delegates to such convention are elected, two being chosen from each senatorial district or 68 in all. This convention revises the constitution. Besides the original constitutional convention of 1820, three other conventions have adopted constitutions in this state, namely in 1845, 1865 and 1875. As the constitution of 1845 was rejected by the people it

never went into effect. It was the original rule that the new constitution as adopted by the convention did not need to be submitted to the vote of the people and the first constitution of Missouri went into effect without such a vote. Today, however, it is the rule in Missouri, as in most states, that the constitution, as revised by the convention, must be ratified by a majority of the voters.

## CHAPTER VII.

### THE STATE LEGISLATURE.

**Composition:**—The legislature in Missouri is known as the General Assembly and, as in every other state, is composed of two houses, the Senate and the House of Representatives. Representatives and senators are elected by the voters, the former for a term of two years and the latter for a term of four years. The senators are arranged in two classes so that the terms of one-half end every two years.

**Representative Districts:**—It is important that all parts of the state should be represented in the General Assembly. Hence the members are not chosen by the voters of the entire state, but the state is divided into districts for this purpose. The county is the district for electing representatives, each county, however small, electing one member. The constitution provides a method for giving additional representatives to the large counties. The entire population of the state is divided by 200. The quotient is called the *ratio of representation*. Counties with a population equal to two and a half times said ratio are entitled to two representatives; those having four times the ratio to three representatives; those having six times the ratio to four representatives and those having more than this number are entitled to one additional representative for every two and a half additional ratios. The purpose of this plan is to prevent the counties with large cities from obtaining a majority of the representatives. At



present St. Louis City has sixteen representatives; Jackson County, six; Buchanan County, four; Jasper County, three; Greene and St. Louis counties, two each; and the remaining one hundred and nine counties, one each, making a total of one hundred and forty-two members of the House of Representatives. The apportionment is changed every ten years after the national census has been taken.

**Senatorial Districts:**—The Senate is a much smaller body, the number of its members being fixed by the constitution at 34. For the purpose of electing senators the legislature every ten years divides the state into 34 senatorial districts. The constitution provides that these districts shall be compact and as nearly equal in population as may be but this rule may be violated by what is known as *gerrymandering*, the districts being established in such a manner as to give one political party an advantage over another. It is also required that whenever a district is composed of two or more counties, they shall be contiguous. As a rule no county can be divided so as to be in two districts, though if a county is large enough to be entitled to two or more senators it must be divided into as many districts.

**Qualifications of Members:**—The qualifications for election to either house are low. Membership is restricted to male citizens and qualified voters who have been residents of the representative or senatorial districts for one year next proceeding the election and have paid state and county taxes within such period. A representative must be at least 24 years of age while a senator must have reached the age of 30 years. Persons who hold any office paying a salary or compensation cannot be members of either house.<sup>1</sup>

<sup>1</sup>Except militia officers, justices of the peace and notaries public,

**Time and Place of Sessions and Compensation:**—The General Assembly holds its sessions at Jefferson City, which is the State Capital or seat of government. A regular session is held once in every two years, beginning on the first Wednesday after the first day of January in odd numbered years. Extra sessions may be called by the Governor for the consideration of such matters as he may recommend to the General Assembly. The constitution does not fix the time for adjournment or close of the session which is brought about by agreement between the two houses. At the same time the rule regarding compensation of members practically settles the time of adjournment. Each member receives five dollars a day for the first seventy days of each session and one dollar a day for the remaining days of the session.<sup>2</sup> Experience shows that the length of the session rarely exceeds the above limit by more than a few days. Each member also receives an allowance for traveling expenses, called *mileage*, and thirty dollars for stationery, *etc.*

**Quorum:**—A quorum of any body is the number required to do business. The general rule is that a quorum of an assembly is a majority of its members and this is the rule in Missouri for each house of the General Assembly. If less than a quorum are present no business can be transacted except that those present can take measures for compelling the attendance of absent members.

**Organization of the Houses:**—Each house elects its own officers, except that the Lieutenant Governor is, by virtue of his office, President of the Senate. The presiding officer of the House of Representatives is called the Speaker. Each house has a President or Speaker pro tempore,

<sup>2</sup>In a revising session<sup>3</sup> the period during which they receive five dollars a day is extended to 120 days.

who presides in the absence of the President or Speaker, a Secretary or Chief Clerk, Chaplain, Door-keeper, Sergeant-at-Arms and numerous clerks.

**Committees:**—It is important that every proposed law should be carefully examined before being acted upon by the General Assembly. So many measures are proposed that it would be impossible for each to receive the careful attention of the houses, which are too large for such purposes. Hence, committees, consisting of a small number of members, are established in each house, to each of which is assigned the duty of examining and reporting upon all measures dealing with a certain subject, for example, taxes, appropriations of money, railroads, education, etc. A committee hears arguments in favor of or against proposed laws. It may recommend the passage of a measure or propose amendments to it or advise its rejection. The majority of the members of a committee belong to the political party which is in control of the house. They have much influence upon legislature and their recommendations are generally adopted.

**How Laws are Enacted:**—Any member of the house can introduce a "bill." It must be referred to a committee and the house cannot pass the same until the committee has reported and the bill has been printed for the use of the members of the house. In order to prevent hasty legislation, it is required that before being passed each bill shall be read on three different days in each house. The bill is debated and amendments can be made in each house. If the bill receives the votes of a majority of all the members elected to the house it will be sent to the other house where it goes through a similar process. If it is amended in this house it must be returned to the first house which may agree to the amendment or refuse to do



so. In the latter case the bill is generally sent to a conference committee appointed by each house. If this committee can agree upon a compromise the bill is generally passed; otherwise it fails.

**Governor's Signature or Veto:**—A bill having passed both houses becomes a law if the Governor signs it within ten days after he has received it or within thirty days if the General Assembly has adjourned before the end of the ten days. If the Governor does not approve the measure it is his duty to veto it, that is, to indicate his disapproval, and return the bill to the house in which it was first introduced. He may veto one or more items in a bill appropriating money and approve the rest of the bill. After a vetoed bill is returned to the General Assembly, it may become a law without the signature of the governor provided it receives the votes of two-thirds of all the members elected to each house. If the governor does not sign or veto a bill within ten days after he has received it, the two houses, if still in session, can, by resolution, declare such bill a law without the governor's signature.

**Influences Upon Legislation:**—Persons who wish to have laws enacted visit the Capital and present arguments to committees and members. This is known as lobbying. In many cases it is of benefit as the information is of value and assistance to the legislature. But in other cases men are employed for the purpose of securing or defeating legislation by improper means, such as personal inducements and other forms of bribery. This is illegal and harmful in the highest degree.

**Restrictions Upon Legislation:**—At first the people did not place many restrictions upon the legislature but



left their representatives free to enact such laws as they thought best. Distrust of the legislature has led to restrictions upon its powers. These restrictions cover a wide range of subjects. Among other things they limit its power to levy taxes, incur debts, and pass special laws with regard to a large number of subjects.<sup>1</sup>

**Publication of Laws:**—Laws enacted by the General Assembly, do not take effect until ninety days after the adjournment of the session except that in case of an emergency the General Assembly, by a vote of two-thirds of the members elected to each house may provide an earlier date. This period is intended to give time for the publication of the laws. The laws are prepared for publication by the Secretary of State and are issued in a bound volume, copies of which are sent to certain officials in all of the counties of the state.

**Revised Statutes:**—Once in every ten years, the laws passed by the General Assembly are revised. The session of the legislature which is held before such revision is made is known as the Revising Session. Many acts are revised at this session. A commission is then established whose duty is to prepare the Revised Statutes for publication, omitting all laws which have been repealed. The last revision of the statutes was published in 1899.

<sup>1</sup>See State Constitution, Art. IV., Sec. 34-36. Art. X.

## CHAPTER VIII.

### THE STATE EXECUTIVE.

**Execution of the Laws:**—We have seen that many of the laws passed by the General Assembly are carried into execution by the officers of the local governments. Some matters, however, cannot be attended to in this way, either because the necessary expenditure is too great or uniform action for the entire state is desirable. Hence there is a Governor and a large number of state officials whose duty it is to supervise the execution of the laws and administer the affairs of the state government.

**The Governor:**—The chief executive power is vested in a Governor who is elected by the people for a term of four years and cannot be reelected as his own successor. He must be at least thirty-five years old and must have been a citizen of the United States for ten years and a resident of Missouri for seven years before his election. He receives an annual salary of \$5,000 and the use of a furnished residence at the Capital. A Lieutenant Governor is elected at the same time as the Governor, holds for the same term and must possess the same qualifications. As we have seen he is President of the Senate. He receives a salary of \$1,000 a year and \$7.00 additional for each day during the session of the Senate. If the Governor leaves the state the Lieutenant-Governor acts in his place until he returns and in case of the death or removal of the Governor he is succeeded by the Lieutenant Governor.

If there is a vacancy in the office of Lieutenant Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives succeed in regular order to the office of Governor.

**The Governor's Powers and Duties:**—It is the Governor's duty to see that the laws are faithfully executed. It is not usual for him to interfere with the execution of the laws by the local officials, but if they are unable or unwilling to execute the laws, the Governor can act. He is Commander-in-chief of the State Militia, a military organization, and can send the soldiers to any parts of the state to preserve order and execute the laws. The Governor has the power of appointing many of the state officials. In some cases his appointments must be approved by the Senate. He fills most offices which become vacant, including county offices, and in certain cases, can remove officials from office. He has certain powers of a judicial nature. He may grant a reprieve, that is, a postponement of a punishment to which a person has been sentenced, or a commutation, a reduction of the amount of punishment, or a pardon, that is, do away entirely with the punishment. In order to prevent an abuse of this power he is required to notify the General Assembly of his reason for granting the reprieve, commutation or pardon. The Governor's powers to call special sessions of the General Assembly and to veto bills which have passed both houses have been considered. In addition, he sends a message to each General Assembly, at the opening of the session, giving information about the State and its needs and can send special messages of recommendation or information at any time during the session. As it is generally the case that the Governor is a leader of the political party to which the

majority of the legislators belong his recommendations are apt to have considerable effect upon legislation.

**Heads of Administrative Departments**—The Constitution provides that the Executive Department shall also include the following: Secretary of State, State Auditor, State Treasurer, Attorney General, and Superintendent of Public Schools. All of these officials are elected by the people for terms of four years. Any male citizen of the United States who has reached the age of twenty-five years and has been a resident of Missouri for five years next before his election is eligible to be elected to any of these offices. Each of these officials receives an annual salary of \$3,000. The legislature has also created a large number of administrative officials, all of whom are appointed, chiefly by the Governor, except three Railroad and Warehouse Commissioners who are elected for terms of six years. These officials deal with many different matters but most of them can be grouped under a few classes according to the general nature of their duties and activities. The State Auditor and State Treasurer will be discussed in the Chapter on Taxation and Revenue; the Attorney General, in the Chapter dealing with the Judicial Department and the Superintendent of Schools in the Chapter on Public Education.

**Secretary of State**:—It is important that the official documents of the General Assembly shall be preserved where they can be referred to. The Secretary of State is the keeper of such records. He also keeps a record of the official acts of the Governor to which he adds his signature. He keeps the Great Seal of the State which is used to authenticate documents. From the records in his office he publishes the laws and journals of the General Assembly.



and distributes the same to state and local officials. Nominations for state offices are filed in his office. He keeps a record of all elections and of the name and term of office of all state and local officials, and publishes this and other valuable information in the Official Manual of the State of Missouri, which is issued once in every two years. In addition to his duties as keeper of documents and records the Secretary of State performs the duties of Register of Lands, issues certificates of incorporation of companies, and has charge of the examination of banks and trust companies chartered by the State. He is a member of certain boards, such as the Public Printing Commission, Board of Permanent Seat of Government, and Board of Equalization and has a number of miscellaneous duties to perform.

**Military Department:**—The State needs soldiers to preserve order, when the police and local officials are unable to do so, and for the purpose of assisting the National Government in time of war. This Militia organization is called the National Guard of Missouri. In case of need all able bodied male citizens, between the ages of eighteen and forty-five years become liable to service in the militia, but in time of peace enrollment is purely voluntary. The Governor is Commander-in-chief and administers military affairs through the Adjutant-General whom he appoints. At present, the National Guard of Missouri consists of forty-seven companies which are located in cities and towns in different parts of the state. They are organized in one brigade consisting of four regiments, a separate battalion and one battery of artillery. The State cadet corps of the University of Missouri and seven military academies in the State are recognized as posts of the National Guard.

**Promotion of Agriculture, Etc.:**—The State is deeply interested in promoting agricultural and similar industries. For this purpose a number of boards and societies have been created. The most important is the Missouri State Board of Agriculture which looks after the agricultural and live stock interests of the State and has charge of the State Fair which is held every year at Sedalia. State societies exist for promoting fruit and poultry interests and the State Dairy Commissioner has duties in connection with dairy and butter and cheese industries. Scientific experiments for the improvement of agricultural and fruit production are carried on at the State Agricultural Experiment Station which is a part of the University of Missouri at Columbia and the State Fruit Experiment Station located at Mountain Grove. The Fish Commission of Missouri takes measures for stocking the rivers and waters of the State with fish and the Game and Fish Warden looks after the enforcement of the laws for the protection of game and fish.

**Labor and Transportation:**—The legislature has passed laws regulating the conditions of laborers in factories and mines and these laws are enforced through the agency of a Commissioner of Labor and Inspection, a Factory Inspector and a number of Mine Inspectors. These officials collect and publish facts concerning the condition of laborers in the State. The legislature has also passed laws regulating railroads in the interest of the people. The Board of Railroad and Warehouse Commissioners attends to the execution of these laws and looks after the inspection and grading of grain.

**Insurance:**—Companies engaged in the business of insuring property agree to pay a certain amount of money

in case the property is destroyed by fire or in certain other ways. They also insure a man's life by agreeing to pay a certain amount of money to his wife, children or other heirs when he dies. In order to protect people against fraud in such matters the laws provide for the examination of insurance companies and only companies which are found to be safe are permitted to do business in the State. The Superintendent of the Insurance Department conducts these examinations and grants licenses or permits to companies to carry on their business in the State.

**Bank and Building and Loan Supervision:**—Similar laws exist with regard to State Banks and Trust Companies and Building and Loan Associations. The examination of the former is conducted by a number of Bank Examiners who are appointed by and are under the supervision of the Secretary of State while the Supervisor of Building and Loan Associations, appointed by the Governor, looks after the latter.

**Boards of Health and Examination:**—A State Board of Health has general supervision over the public health of the State. Local boards of health exist in counties and cities. The laws of the State provide that persons who wish to practice certain professions or occupations must pass an examination, to show that they have the necessary qualifications, before they can receive a license to practice in Missouri. The State Board of Health conducts examinations and issues licenses to physicians. The State Board of Law Examiners does the same for lawyers. Other boards of examination are the Board of Osteopathic Registration and Examination, Board of Dental Examination, Board of Pharmacy, Veterinary Examining Board,

Board of Embalming, Board of Examiners for Barbers. Persons are licensed to teach in the public schools upon certificates from the Teachers College of the University of Missouri, or from any of the State Normal Schools, or after passing an examination given by the State Superintendent of Public Schools, the County Board of Education or the County Superintendent of Schools.

**Miscellaneous:**—Inspectors of Petroleum are appointed in all of the large cities and most of the counties of the State for the purpose of preventing the sale of petroleum which is unsafe for use. A Beer Inspector is appointed to examine all beer sold in the state. A fee, which is charged for such inspection, produces a large revenue for the state. The state printing is let out by contract by the Commissioners of Public Printing who exercise a supervision over the work. The Board of Permanent Seat of Government has general supervision and charge of the public property of the State at the Capital.



## CHAPTER IX.

### TAXATION AND REVENUE.

**Meaning of Taxation:**—Every government must have some means to pay the expenses which it must incur. This is true of the family and school as well as of the State. In the family each member gives his labor or the money which he earns. In a base-ball club each member contributes a part of the things needed or his share of the money required to purchase them. The government of the State has many expenses. It must pay salaries to its officials, construct buildings, purchase supplies and provide the things needed to carry on its various activities. Individuals may give the things needed as where a man takes an office without salary or works upon the county roads, but most of the things needed can be had only for money. Hence people in the State must give the money needed. As this is needed for the support of the government which protects the individual and does other things for his benefit, everyone should be willing to give his share of the amount required. In a base-ball club if a boy does not contribute his share he can be put out of the club. So if one does not wish to help pay the expenses of the State he can leave it and take his property with him. But if he continues to live in the state or has property in it he will be compelled to pay the necessary amount. This payment is called a tax which may be defined as that which the government compels people to pay for its support. The public revenue includes all that is received from taxes,

from money borrowed and from other payments made to the government.

**How Taxes are Distributed:**—It is the duty of every one to pay taxes but the question arises how much should each one pay? In school societies each one pays an equal amount but this plan cannot be used in the State to any great extent as it would be unjust. Some men are much better able to pay taxes than others and hence the state compels them to pay according to the amount they own. This is called the general property tax. While other kinds of taxes exist, this is the most important in the state governments and in Missouri twice as much revenue comes from this tax as from all other kinds of taxes.

**Assessment:**—As the amount of taxes which a man must pay depends upon the value of his property it is necessary to assess this property, that is, to fix its value. For this purpose an Assessor is elected in each county<sup>1</sup> whose duty it is to fix the value of property in his county. The Assessor may make mistakes and if a man thinks his property has been assessed too high he can appeal to the County Board of Equalization, consisting of the county judges, surveyor and assessor, which can change the assessment. This board can also increase assessments if they think they are too low. As the assessments in one county may be too high or too low, as compared with other counties, a State Board of Equalization, consisting of the governor, secretary of state, attorney general, auditor and state treasurer, has the power to change such assessments of counties. It also assesses the value of railroad, telegraph and similar property which cannot be assessed by the local assessors.

<sup>1</sup>In counties having township organization, township assessors are elected instead of a county assessor. In St. Louis, there is a board of assessors,

**Rate of Taxation:**—The next step in taxation is to fix its amount. This is done by taking the amount of money needed and calculating the per centage of each dollar of the total value of property which is necessary to raise this amount. This per centage is called the rate of taxation. It is generally expressed in terms of one hundred dollars. Thus the rate for state purposes is usually seventeen cents for each one hundred dollars or seventeen one-hundredths of a cent for each one dollar of assessed valuation. The rate is fixed or levied by the legislature for state purposes, by the county court for county purposes, by the school board for public education, and by the city council for city purposes. In some cases the consent of the people is necessary and the rate cannot exceed certain amounts fixed by the constitution of the state.

**Collection:**—Taxes are levied for state, county, school, road, city and in some cases township purposes. It would greatly increase the cost of collection if a separate collector existed for each of these taxes. City taxes are collected by a City Collector, but all other taxes are collected by the County Collector who turns over the proper amount to the state, county and school district treasurer.<sup>1</sup> If the taxes are not paid by a certain date they are said to be delinquent and a high rate of interest will be charged on the same. A man's property is liable for the tax and if it cannot be collected in any other way the property can be sold for the taxes.

**Dramshop and Beer Taxes:**—License taxes are levied on dramshops or saloons by the state, counties and cities. In some counties and cities these taxes are very high and are intended to reduce the number of saloons while in other

<sup>1</sup>In counties having township organization there is no county collector. County taxes are collected by the county treasurer, while other taxes are collected by the township collector.



counties and cities, under what is known as "Local Option", saloons and the sale of liquor have been prohibited. The state also levies an inspection fee on beer which produces a large amount of revenue.

**Other Taxes:**—The state levies a collateral inheritance tax to produce revenue to support the state university. The tax is levied upon property which persons, who are not near relatives, receive from one who has died. Taxes are also levied upon companies when they are incorporated and upon insurance premiums collected by certain companies.

**Public Debts:**—At times the amount of money needed is too large to be raised by taxes in a single year. It may be necessary to build a court house, school buildings, etc., and under these conditions the state, county, school district, city etc., can borrow the money and issue bonds which are promises to pay the amount within a certain period with interest until paid. An election must generally be held before such loan is made and the bonds cannot be issued unless two-thirds of the voters consent to the same.

**State and Local Treasurers:**—There is a State Treasurer and County, City and School District Treasurers. It is their duty to receive the money from the collector and other sources, and to pay it out upon proper orders or warrants as they are called. The treasurer is required to give a bond as security for the public money in his possession.

**Expenditures:**—The money collected is appropriated, that is, set aside by the general assembly, county court, city council, etc., for the payment of salaries and other purposes of the state and local government. No money can be paid out of the treasury unless it has been appropriated by the proper authority.



**Tables of State Revenue and Expenditure:**—The following tables show the revenue received and the expenditures made by the state during the two years ending December 31, 1904:

### REVENUE.

General Property Tax .....	\$5,413,983 68
License Taxes on Dramshops.....	820,680 23
Beer Inspection.....	785,241 92
Collateral Inheritance Tax.....	264,594 23
Incorporation Tax.....	314,980 00
Tax on Foreign Insurance Companies.....	392,240 89
Earnings of State Penitentiary.....	502,542 96
Income of Eleemosynary Institutions.....	1,092,543 18
Fees of State Officers.....	181,340 10
Excise Commissioner's Fees..	55,391 60
Interest on Deposits.....	102,962 58
Miscellaneous .....	225,318 70
<b>Total .....</b>	<b>\$10,151,820 07</b>

### EXPENDITURES.

Bonded Debt, Principal.....	\$ 487,000 00
Bonded Debt, Interest.....	2,840 83
Legislative Department.....	195,130 49
Judicial Department .....	406,368 49
General Administrative Departments.....	382,489 28
Assessing and Collecting Revenue.....	385,068 97
Militia .....	44,040 14
Printing and Publishing.....	153,455 09
Criminal Costs.....	504,460 31
Penitentiary.....	594,012 13
Eleemosynary Institutions .....	2,125,354 18
Public Schools .....	2,518,128 21
State University .....	714,204 30
State Normal Schools.....	370,796 53
Agriculture, Commerce and Industry.....	291,679 70
Louisiana Purchase Exposition....	785,909 17
Miscellaneous .....	152,804 69
<b>Total .....</b>	<b>\$10,113,742 51</b>

**State Auditor, Etc:—**In order to keep a check upon collectors and treasurers, book-keeping and other methods are necessary. The state auditor keeps such records for the state treasurer and the collectors of the state revenue. The county and city clerks keep these records for the local collectors and treasurers. The state auditor also issues warrants for the payment of money out of the state treasury in accordance with appropriations by the legislature, and similar warrants are issued by local clerks upon the order of the county court, city council and other local bodies. In addition, the state auditor prepares an estimate of the appropriations necessary to be made by each general assembly and has other important duties in connection with the revenue and expenditures of the State.

## CHAPTER X.

### PUBLIC EDUCATION.

**The State's Interest in Education:**—Education prepares a person for his work in life. The intelligent laborer, farmer, mechanic, merchant, lawyer or physician has an advantage over his ignorant brother. He is a stronger man and can make better use of his strength. The welfare and prosperity of a state will be promoted by the spread of education among its citizens. Hence the state has a deep interest in the education of its people. Private schools can furnish an excellent education. But if there were no public free schools a large part of the people would not get an education as they could not afford to pay what it would cost. The state has another interest in education. The voters determine the kind of government which shall exist in a state. If the voters are ignorant and immoral the government will be weak and corrupt. If only the rich had the right to vote, private schools could furnish the necessary education. But we have seen that all men who have reached the age of 21 years can take part in elections. Hence the state must furnish schools in which it can prepare the future voters and train them in the duties of citizenship. While women do not generally have the right to vote they are entering more and more into business life and, on account of the influence they have in every field of activity, the state is interested in their education no less than in that of men. The free public school is not a pauper school. The state expects and has a right to claim a return for what it gives the in-

dividual. This return is given in the form of honest and intelligent voting and public service and in the exercise of influences for the improvement of social conditions in the state.

**Public Education in Missouri:**—At an early period Missouri adopted the plan of public education and the present constitution requires the legislature to make provision for the same. There are four branches of public education in Missouri; the common or elementary schools, the high schools, the state normal schools and the University of Missouri. The government of elementary and high schools is in the hands of local bodies which exist in the school districts into which the state is divided. These districts are of two kinds—common school districts and city, town or village districts.

**Common School Districts:**—The common school districts exist in the rural parts of the state. They are usually small and may contain as few as twenty children of school age. It is an advantage that none of the children live at a very great distance from the school. But on the other hand in such small districts the revenue for school purposes is generally not enough to support a good school. In some states it has been found better to have the township as the school district. A better school is maintained and, if necessary, the children are brought to the school in conveyances furnished by the school authorities. In Missouri, the law permits three or more districts to join together into a consolidated district for the purpose of maintaining primary schools and a high school. Only ten consolidated districts had been established by 1905 but a large increase in the number may be expected.

**City, Town or Village Districts:**—These exist in incor-



porated cities, towns or villages. The population is much larger and the area generally smaller than in common school districts. A better school can be maintained and in the large cities one or more schools are provided in each of the city wards.

**Annual Meeting or Election:**—In common school districts an annual meeting of the qualified voters is held at the school-house on the first Tuesday in April to choose a member of the school board, decide upon the length of the school terms and the rate of tax to be levied for school purposes, and attend to a number of other matters arising in the school district. In city districts there is no meeting, but instead an annual election is held on the same day for the purpose of choosing members of the school board and for voting on any increase in the school tax rate. Special provisions exist for school government in St. Louis, Kansas City and St. Joseph.

**Board of School Directors :**—The government of the school district is in charge of a board of directors who are elected for terms of three years. In common school districts the board consists of three members, one being chosen each year. In city districts there are six directors two being chosen at each annual election.<sup>1</sup> The boards select teachers, build school houses, and have general charge of all business matters affecting the school district. The city school board has greater powers than are possessed by the boards in common school districts.

**School Term and Attendance:**—A school is held for at least six months of the year in each school district. In many districts the term is longer, in some cases amounting

<sup>1</sup>In St. Louis the Board consists of twelve members, four being chosen every two years.

to ten months. Every person of school age, that is, between the ages of six and twenty years, residing in a school district, is entitled to attend the public school free of all charges. All children between the ages of eight and fourteen years are required to attend some school, public or private, unless excused for special reasons. This compulsory education law was not enacted until 1905 and it is not well enforced, as yet, outside of the large cities.

**Teachers:**—In order to have good schools there must be good teachers. The state does not permit anyone to teach in a public school who does not possess a license or teacher's certificate. This certificate is issued after examinations held by the state superintendent of public schools, the county superintendent of schools or the county board of education<sup>1</sup>. The Teachers College of the University of Missouri and the state normal schools may also issue such certificates to their students.

**Principals and Superintendents:**—In most of the common school districts one teacher attends to all of the work of instruction. In city districts a school has several teachers and a principal is appointed whose duty is to direct and supervise their work, and look after the general interests of the school. In larger cities where there are a number of schools a superintendent is appointed who has general supervision over all the schools and teachers and assists the school board in attending to the affairs of the school district.

**County Supervision:**—In order to enable the common school districts to have the benefit of school supervision the law provides that the voters of the county may estab-

<sup>1</sup>In St. Louis, Kansas City and St. Joseph the examination is conducted by the city superintendent.

lish county supervision.. Under this plan a county superintendent of schools is elected who has general supervision over all schools in the county, except in cities which have more than 1000 children of school age. He also examines teachers and issues certificates to teach. County supervision has been adopted in nineteen counties.

**County Commissioner and County Board of Education:**

—In the counties which have not adopted county supervision, a county school commissioner is elected who, with one person appointed by the county court and another appointed by the state board of education, constitute a county board of education which has charge of the examination of teachers, grants certificates to teach in the county, adopts courses of study and makes rules for the grading of schools. The county commissioner may revoke county certificates if good reason exists for such action.

**State Superintendent of Public Schools:**—The State Superintendent of Public Schools, elected by the voters of the state has important duties in connection with the educational interests of the state. He prepares the questions which are used in all examinations for teachers certificates; conducts some of these examinations and issues certificates and may revoke the same; distributes the state school money among the counties; visits schools in all parts of the state and gives advice and opinions to local school authorities; collects and publishes information about education in the state; is a member of a number of boards which attend to educational matters; and, in general, is expected to promote education in the state.

**Revenues for School Purposes:**—The revenue necessary to support the public schools comes from a number of sources which may be grouped under three classes: Income



from permanent school funds; appropriations made by the General Assembly ; local taxation. ,

**School Funds:**—The permanent school funds are the endowment of the public schools. The capital is invested and only the income can be used. There are three classes of school funds; First, the State Public School Fund which amounts to about \$3,160,000; Second, the County School Fund which exists in each county of the state and amounts to a total for all counties of about \$4,805,000; Third, the Township School Fund is due to the generous policy of the National Government which provided that the sixteenth section of land in every congressional township should be granted to the state for the use of public schools in such township. The proceeds from the sale of this land make up the township school funds in the several counties of the state and amount to a total of about \$4,000,000.

**State Appropriations:**—The Constitution provides that one-fourth of all the ordinary revenue raised for state purposes shall be appropriated by the General Assembly for the support of public schools, but, as a matter of fact, the amount appropriated in each year amounts to one-third of such revenue. This amount together with income of the state public school fund is divided among the counties and school districts in proportion to the number of pupils of school age in the county and school districts.<sup>1</sup>

**Local Taxation:**—While the total amount of money coming from the school funds and state appropriations is very large, the amounts received by the different districts are not sufficient to support the public schools hence the

<sup>1</sup>In the division or apportionment made in July 1905, the total amount divided was \$1,339,930. As the total number of children of school age was 998,727, each district received \$1.34 for each child of school age.



districts raise the balance needed by taxes on property, but the rates must not exceed the limits fixed by law. When necessary for the construction of school buildings the district may borrow money and levy taxes to raise money to repay the loan within a certain number of years.

**High School:**—Public high schools are established in many districts for the education of those who have finished the course of study of the elementary, common or graded schools. They are also known as secondary schools because they represent the second stage of education. Those high schools which prepare their graduates for entrance to the State University are known as Accredited Schools.

**Normal Schools:**—Good teachers must be trained and the state provides schools to give such training. The Missouri Teachers College, a department of the State University, gives such instruction. In addition, the counties of the state are divided into five districts and a State Normal School is established in each district. They are located at Kirksville, Warrensburg, Cape Girardeau, Springfield and Maryville. Lincoln Institute, located at Jefferson City, is the state normal school for the training of colored teachers. It also gives industrial and collegiate training. Each of these normal schools is under the control of a board of six regents appointed by the Governor for terms of six years. The state superintendent of schools is also a member of each of these boards. These state normal schools are supported by appropriations made by the General Assembly.

**University of Missouri:**—The University of Missouri is the state institution of higher education. It is under the control of a board of nine curators appointed by the

Governor for terms of six years. It includes the following departments: Graduate, Academic, Teachers College, Law, Medical, Military, Agricultural, Engineering and Experiment Station—all located at Columbia, and the School of Mines, located at Rolla. The University has an endowment of about \$1,250,000 chiefly derived from the sale of lands and other funds granted by the National Government. In addition to the income from this endowment, the University receives regular grants of money from the National Government and appropriations made by the General Assembly of the State.

## CHAPTER XI.

### CHARITIES AND CORRECTIONS

**Importance of the Subject:**—Public charity is an important activity of the state. It includes giving relief to the poor who are unable to care for themselves, providing means of educating the deaf and blind, and for the proper treatment of the insane, feeble minded and other dependent or defective classes. The organizations which furnish such provisions are called eleemosynary institutions. The state in dealing with criminals should aim to reform rather than punish individuals. This is especially true in the case of youthful criminals and the state institutions for the correction of boys and girls are known as eleemosynary institutions. The poor and defective classes are more or less helpless and, in order to protect them from ill-treatment in public institutions, there exists a State Board of Charities and Corrections, consisting of the governor and six other members appointed by him, whose duty it is to investigate the whole system of public charities and corrections and to publish information relating to the same.

**Local Poor Relief:**—The state delegates to the counties the duty of giving relief to the needy poor. The county court has charge of this matter. In some cases supplies are furnished to persons in their homes, but when a person becomes permanently unable to provide for himself he is sent to the county infirmary or house for the poor which is maintained in most counties. In some counties these institutions are well managed and the inmates are well

cared for, but much improvement in this respect is needed in many counties. Cities also grant poor relief.

**State Charitable Institutions:**—The state itself makes provision for the care of the insane, blind, deaf and other afflicted persons as they require the attention of physicians and teachers who could not be furnished by the counties.<sup>1</sup> There are four State Hospitals or Asylums for Insane Persons located at Fulton, St. Joseph, Nevada and Farmington, respectively; a State institution for the Feeble Minded and Epileptic at Marshall; a School for the Deaf at Fulton; a School for the Blind at St. Louis, a Confederate Soldier's Home at Higginsville and a Federal Soldier's Home at St. James. A Missouri State Sanitarium has recently been established at Mount Vernon for the treatment of consumption in its early stages. Each of these institutions is under the control of a board of managers consisting of five members appointed by the Governor for terms of five years. They are supported by appropriations made by the General Assembly, and, in the case of most of them, by fees paid by the relations or friends of the inmates, or, in the case of poor persons, by the counties of which they are or have been residents.

**Institutions for Correction:**—Where boys or girls are vicious or commit crimes it is largely the result of evil company or bad training. If they are sent to jail or to the penitentiary, where they will be in the company of hardened criminals, they will become criminals. But if they are taken away from evil influences and given good training they may be reformed and become good citizens. Hence the State has established the Missouri Training School for

<sup>1</sup>Some counties keep insane persons at the county infirmary as the cost is less than at the state hospitals for the insane. This is very unfortunate as the afflicted person cannot receive proper treatment. St. Louis maintains its own insane Asylum.



Boys at Boonville, and the Industrial Home for Girls at Chillicothe, for the purpose of receiving youthful criminals, teaching them useful occupations, and training them in right living. Each of these institutions is managed and supported in the same manner as are the state charitable institutions.

**Penal Institutions:**—A county maintains a jail and a city a calaboose or city prison where persons are kept who are awaiting trial or have been sentenced for short terms an individual is sentenced is longer than a year he is sent to the penitentiary or State Prison which is located at Jefferson City. This institution is under the control of a Warden appointed by the Governor. A Board of Prison Inspectors, consisting of the State Treasurer, State Auditor and Attorney General, is required to visit and examine the penitentiary and make rules for its management. The prisoners are required to work and thus many of them learn useful trades. Most of them work under the contract system, their services being contracted by the State to manufacturers of shoes and other articles. The money received from the labor of the prisoners is taken by the State for its own use and is generally sufficient to pay the expenses of the penitentiary.

## CHAPTER XII.

### JUDICIAL DEPARTMENT.

**Courts and Their Activities:**—Courts exist for the purposes of settling disputes. These disputes are called *suits* or cases and are of two kinds, civil and criminal. A civil suit is a proceeding in a court to settle a difference between persons with regard to contracts or rights in property, such as the question of which of two persons is the rightful owner of a certain farm or how much money is due on a certain contract? A criminal case is a judicial proceeding to determine the guilt or innocence of an individual who is charged with the commission of a crime, that is, of some act forbidden by the law under penalty. The person who brings the suit is called the *plaintiff* while the one who is charged with a crime or against whom a civil suit is brought is called the *defendant*. For the purpose of deciding these suits and cases, courts and their officials are required. These courts are of various grades and appeals may usually be taken to a higher court from the decision of a lower court. The grades of courts in Missouri are as follows: Justice of the Peace, Circuit Court, Court of Appeals, Supreme Court. In addition, there are courts for special purposes, as Probate Courts,<sup>1</sup> Criminal Courts, Courts of Common Pleas and City Police Courts.<sup>2</sup> Each of these courts has one or more judges or justices and most of them have certain administrative officers to attend to various matters, such as keeping the records, taking notices to jurors, witnesses and other persons and bringing prisoners into the court.

<sup>1</sup>See page 23

<sup>2</sup>See page 30

**Justices of the Peace:**—It would be a great expense of time and money if people were obliged to go to the county seat whenever they were in a lawsuit. Where only a small amount is in dispute it should be possible to settle the same with the least amount of delay and cost. Hence provision is made for the election of at least two justices of the peace in each township and, in larger townships, the number can be increased so that no one need live more than a few miles from such an official. The justice of the peace, sometimes with the aid of a jury of six men, decides civil cases in which the value of the thing in dispute is small, and criminal cases, the punishment for which is a small fine or a short term of imprisonment in the county or city jail. If the parties are not satisfied with the decision they can take the case to the circuit court where a new trial will be given. But the majority of small cases are settled finally in the justice of the peace courts. A constable, elected in each township, executes the orders and decisions of the justice of the peace. In large cities there are as many constables as there are justices of the peace.

**Circuit Court:**—All important cases are tried in the Circuit Court. The state is divided into thirty-three circuits or districts, each of which includes one or more counties. Each circuit elects a Circuit Judge for a term of six years. In circuits containing large cities the cases are so numerous that more than one judge is necessary. Thus Buchanan and Jasper counties have each two judges; Jackson County six, and the City of St. Louis twelve. The majority of circuits consist of two or more counties and the circuit judge goes from one to another to hold sessions of the circuit court. Two or more sessions are held in each county in each year. The circuit court decides civil and criminal cases, but in a few of the circuits with a large

population a separate Criminal Court is provided for the trial of criminal cases.<sup>1</sup>

**The Administrative Officials of the Circuit Court::**—are the Sheriff, Clerk of the Circuit Court and Prosecuting Attorney who are elected in each county of the state. We have already discussed the duties of the sheriff and circuit clerk.<sup>2</sup> The prosecuting attorney looks after all civil suits in which the state or local governments are interested, examines cases in which a person is suspected or accused of a crime and, if he believes the charges are true, he prosecutes, that is, tries to prove that the accused person is guilty.

**Arrest, Preliminary Trial, Etc:**—A person charged with a crime is arrested by a policeman, constable or sheriff. If the matter is not a serious one the case can be decided without delay by the justice of the peace court. But when it must come before a circuit or criminal court there will usually be some delay as the court may not be in session at that time. Hence, a preliminary trial or examination is held before a justice of the peace to decide if the facts justify holding the prisoner until the circuit court meets. If it is decided that the prisoner shall be held, he can, in most cases, be set free, if he can give bail, that is, security that he will appear when the court is in session. It was formerly the rule that no one could be held for trial for a very serious crime unless on an indictment, that is, a formal charge made by a Grand Jury, consisting of twelve citizens. This rule has been changed and a person can

<sup>1</sup>In a few counties in which there are cities at some distance from the county seat a special Court of Common Pleas is established for the trial of certain cases which would otherwise be brought before the circuit court

<sup>2</sup>See pages 21, 22



now be held on indictment or on information, that is, a formal charge made by the prosecuting attorney.

**Criminal Trial:**—A person accused of a crime has a right to a speedy trial. This takes place usually at the first session of the circuit court held after the crime has been committed but the trial may be postponed for good reasons. The state is the plaintiff and the prisoner is the defendant. A petit jury, consisting of a number of persons, not exceeding forty, must be present during the session of the court. From this number twelve men are chosen to try the case, each side being permitted to object to a certain number of jurors. After the jury is selected, the evidence, that is the facts which affect the guilt or innocence of the prisoner, is given by persons who are called witnesses, or by means of written papers, etc. After all of the evidence has been given the judge gives instructions to the jury regarding the rules of law applying to the case and the attorneys present their arguments. The jury then consult together privately and, if all agree, they give their verdict. If they find the defendant innocent, he is discharged, if guilty, they fix the degree of guilt and the judge sentences the prisoner. The sheriff sees that the sentence is carried into execution. If the jury cannot agree, they are discharged and a new trial will be held.

**Civil Trial:**—A civil trial resembles a criminal trial but there are important points of difference. The state is not usually the plaintiff<sup>1</sup>. There is no grand jury nor any of the other preliminaries to a criminal trial. The plaintiff's petition, a document stating the claim against the other party is filed with the circuit clerk who notifies the defendant to appear in court for the trial of the case. In most civil

<sup>1</sup>The State may bring a civil suit if its property or contracts are involved.

cases either party may demand a jury for the trial of the case, but if both parties are willing the decision may be left to the judge. The evidence is submitted, instructions given by the judge and lawyers arguments heard in much the same way as in a criminal trial. In a civil trial it is not necessary that all the jury shall agree as three fourths of the members may render a verdict.<sup>2</sup> The judgment is executed by the sheriff.

**Appeals from Circuit Court:**—The judgments given in the circuit court need not be final. The defendant in a criminal case and either party in a civil suit may appeal the case to one of the higher courts on the ground that error has been committed in some of the proceedings in the circuit court. The higher court does not give a trial, but hears arguments on the question of error and if it finds that mistakes have been made it may grant a new trial or may discharge the prisoner or change the judgment in a civil case. If no error has been committed the judgment of the lower court is affirmed. In Missouri, the less important cases go on appeal to the Courts of Appeals while the more important cases go to the Supreme Court. There are two courts of appeals.

**Courts of Appeals:**—All the counties of the state are divided into two districts. The St. Louis Court of Appeals determines all appeals coming from the circuit courts of one district, while those coming from the other district are decided by the Kansas City Court of Appeals. Each court consists of three judges elected by the voters of the respective districts for twelve years each.

**The Supreme Court:**—The Supreme Court consists of seven judges elected for terms of ten years each. The mem-

<sup>2</sup>In a justice of the peace court two-thirds of a jury may render a verdict in civil cases.

bers choose one of their number, usually the one longest in service, to be Chief Justice. The court is divided into two divisions. Four judges are assigned to Division Number One which considers only civil cases. The other judges constitute Division Number Two which considers all criminal cases and such civil cases as may be assigned to it. Each division can render final judgments, but, under certain conditions, cases must be referred to the entire court for its decision. The court as a whole or when meeting in divisions holds its sessions at the State Capital. The supreme court and the courts of appeals each appoint a clerk, marshal and other necessary administrative officials.

**Impeachments:**—If one of the chief executive or judicial officers commits a criminal act it may be a difficult matter to bring him to trial while he holds his office. A special process called impeachment is provided for this purpose. The house of representatives may impeach, that is, bring charges against any of such officials for high crimes or misdemeanors or for misconduct in office. A trial is then held before the senate. Two-thirds of the senators must agree before an official can be found guilty. The sentence in such cases cannot be more than removal from office and disqualification to hold any other office.

# PART IV

## NATIONAL GOVERNMENT

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### CHAPTER XIII.

#### THE NATIONAL CONSTITUTION.

**The Beginnings of the Union:**—We have seen how at the beginning of the American Revolution the thirteen British colonies were changed into independent states, each with its own constitution and government.<sup>1</sup> Before this had been done, however, these colonies had united with one another to oppose the acts of the British government. As early as 1765, nine of the colonies had sent delegates to the Stamp Act Congress which was held to protest against an attempt to tax them without their consent. Later, in 1774, the First Continental Congress, with representatives from all but one of the colonies, met for the purpose of taking joint action against other objectionable measures of Great Britain. Finally, in the Second Continental Congress, which met in 1775, all of the colonies were represented. Great Britain had commenced to use force against the colonies and this congress was compelled to organize for common defense. War soon followed and the congress adopted the Declaration of Independence asserting that the colonies were “free and independent states.”

**Articles of Confederation:**—The state governments, however, could not attend to everything. There were certain matters that required joint action, that did not pertain to a

<sup>1</sup>See page 33



single state, but to all of the states—to the nation. Hence a common or national government was necessary. At first this was provided by the continental congress which made provisions for the army and navy and for revenue to carry on the war. It was felt, however, that the organization and power of the national government should be provided in a written constitution, and the congress, after long discussion, adopted the Articles of Confederation. Before this constitution could go into effect it needed the ratification of all of the states. Owing to the opposition of one state this was not secured until 1781. Even before its final ratification it was felt by many statesmen that this constitution did not meet the needs of the people. It did not give the National government enough power. The latter had no taxing power and could not raise revenue nor pay its debts. Its executive was not separate from congress and there was no general national judiciary. The states were jealous of each other and would not act together for the common interest and welfare.

**The Constitutional Convention:**—Attempts were made to amend the Articles of Confederation but all failed as the necessary unanimous vote of all the states could not be secured. Washington and the statesmen who felt the danger of the situation, finally succeeded in having the states send delegates to a Constitutional Convention which met in Philadelphia in 1787. All of the states except Rhode Island were represented. The members included the majority of the ablest statesmen of America. While there were great differences of opinion it was felt by most of the members that a radical change from the Articles of Confederation was necessary. Compromises were made and the Constitution was finally agreed upon.

**Ratification of the Constitution:**—The greatest difficul-

ty remained. The Constitutional Convention provided that the new constitution should not go into effect until ratified by nine states. While some of the states readily gave their approval great opposition appeared in others and it was not until June, 1788, that the consent of the necessary number of states was secured. Two of the states, North Carolina and Rhode Island did not ratify until after the government had been put into operation under the new Constitution.

**Analysis of the Constitution:**—The members of the Constitutional Convention were practical men. They did not wish to try experiments in government. On the contrary, they adopted plans and forms of government which had been in successful operation in the colonies and states. The Constitution recognizes the division of the departments of government into the legislative, executive and judicial branches, and, in organizing these, it followed the models contained in the state constitutions of that time. When the Constitution was adopted it did not contain a Bill of Rights and this was one of the chief grounds of opposition to ratification in a number of the states which demanded the amendment of the Constitution in this respect. As a result, the first ten amendments to the Constitution were adopted soon after the beginning of the new government, and these with the thirteenth, fourteenth and fifteenth amendments and certain other provisions constitute the Bill of Rights of the national Constitution. The Constitution defines the relations of the states to the National Government and contains clauses providing a method of amending the Constitution.

**The States and the National Government:**—We have considered the divisions of the powers of government between the national government and the states and have

discussed the powers possessed by each.<sup>1</sup> This division of powers is made by the national Constitution which is the supreme law of the United States. This Constitution grants certain powers to the national government. All other powers of government are left to the states except certain things which the Constitution forbids them to do.<sup>2</sup> Hence each government has its own field of activity in which the other cannot interfere. If it does, its act will be declared unconstitutional and invalid by the Supreme Court of the United States.<sup>3</sup>

**Methods of Amendment:**—The constitution provides a number of different methods for its amendment,<sup>4</sup> but the only one which has been used is the proposal of the amendment by a two-thirds vote in each house of Congress and its ratification by the legislatures in three-fourths of all of the states. The large vote required makes it very difficult to amend the Constitution. If we omit the first ten amendments, which were adopted soon after the Constitution went into effect, only five amendments have been adopted and of these, three have to do with slavery and were adopted after the civil war. Numerous other amendments have been proposed, but while some have received the support of congress, none have had the votes of a sufficient number of states.

<sup>1</sup>See page 112

<sup>2</sup>See Constitution, Amendments, Art. X.

<sup>3</sup>See pages 11-13

<sup>4</sup>See Article V.



## CHAPTER XVI.

### ORGANIZATION OF CONGRESS.

**The Two Houses:**—The legislative department of the national government is called the Congress, and, as is true of all the states, consists of two houses. In the Constitutional Convention it was the intention to have only one house but the members could not agree on the question of its composition. The small states wished to have each state equally represented, as in the Congress under the Articles of Confederation, while the large states desired that the number of representatives from each state should be in proportion to its population. The contest became so bitter that a compromise was made by which the Congress was to consist of two houses, a House of Representatives, with representation according to population and a Senate with equal representation for the states.

**Composition of the House of Representatives:**—The House of Representatives is called the popular branch of Congress because it is closer to the people. Its members are elected directly by the same voters who choose the popular branch of the state legislature.<sup>1</sup> Their term of office is only two years and if they do not carry out the wishes of the people they can soon be replaced by other men. Finally they are apportioned or distributed among the states according to population. Congress fixes the *ratio*, that is, the number of inhabitants for which each state shall be given one representative. The total population of a state divided by the ratio will give the total number

<sup>1</sup>Constitution, Art. I., Sec. 2, Par 1



of representatives to which each state is entitled.<sup>2</sup> A state gets one representative even if its population is less than the ratio. As the population of the states changes from time to time the Constitution requires that an enumeration of the inhabitants shall be made every ten years and a new apportionment is made after such enumeration. Congress increases the ratio from time to time as otherwise the number of members of the House would become too large. At first the ratio was 33,000, but at present it is about 194,000, and the total number of members is 386. The representatives are not elected by the voters of the entire state.

**Representative District:**—Each state is divided by its legislature into as many districts as it has representatives and each district elects one representative. Congress requires that these districts shall be composed of compact and contiguous territory and as nearly as possible equal in population, but this rule is frequently violated by gerrymandering.<sup>1</sup> Each organized territory sends one delegate to the House of Representatives but he does not have the right to vote.

**Composition of the Senate:**—The Senate is a more conservative body than the House as it is not so easily influenced by public opinion. It consists of two members from each state, chosen by its legislature for a term of six years. A state with a small population has exactly the same number of senators as a large state. This makes it possible for the Senate to be opposed to a measure which is desired by a majority of the people but not by a majority of the states. The manner of electing United States Senators is called indirect election, that is, the voters elect

<sup>2</sup>Thus, dividing the population of Missouri, 3,106,665, by the present ratio of 194,000 gives a quotient of 16, the number of Missouri's representatives in Congress.

<sup>1</sup>See page 39

the members of the state legislature and these members elect the senator. There is a popular demand for the amendment of the Constitution so as to provide for direct election of United States Senators, but the Senate is opposed to this change and will not propose the amendment. The practice has arisen for the people to indicate their choice for senator at primary elections and this is considered an instruction to the member of the legislature as to how he shall vote for United States Senator.

**Classes of Senators:**—In the House of Representatives all of the members go out of office together. This is not true of the Senate in which the terms of only one-third of the members end at the same time. For this purpose, at the first session of the Senate the members were divided into three equal classes in such a manner that the terms of the first class ended in two years, of the second class in four years, and of the third class in six years. As the terms of one class ended new members were chosen for the full term of six years. Senators from new states are distributed among the three classes in the same way. Thus it follows that in the Senate, at all times, two-thirds of the members have been in office for at least two years. In the House of Representatives many members are re-elected, but, as the terms of all end at the same time, it may happen that a large number are new members with no experience in congressional matters.

**Vacancies:**—If a Representative dies or resigns or a vacancy occurs from any other cause the governor of the state orders a new election in the district to choose a successor. If the seat of a Senator becomes vacant the state legislature elects a successor, but, if the legislature is not in session at the time the vacancy occurs, the Governor

can make a temporary appointment until the legislature meets.

**Qualifications:**—A Representative must be at least twenty-five years of age, and have been a citizen of the United States for seven years. In the case of Senator the requirements are an age of thirty years and nine years citizenship. In both houses the members must be residents of the state from which they are elected and, as a matter of fact, though not provided by law, a Representative is almost always a resident of his district as well as of his state. No person holding an executive or judicial office of the United States can be a member of either house so long as he remains in such office.

**Privileges and Compensation:**—In order that members of Congress shall be free to attend its sessions the Constitution exempts them from arrest and judicial procedure during the sessions of congress and in going to and returning from the same, except where they have committed certain crimes. They are also free from any legal liability to a person for what they may have said in the course of congressional debate.<sup>1</sup> Members of Congress receive an annual salary of \$5000. They also receive an allowance for traveling expenses and stationery.

**Officers:**—Each House elects its own officers, except that the Vice President is by virtue of his office President of the Senate. The Senate, however, elects a President *pro tempore* who presides in the absence of the Vice President. The presiding officer of the House of Representatives is called the Speaker. Some of the other officers in each house are the Clerk (in the Senate, Secretary) Sergeant-at-Arms,

<sup>1</sup>Const. Art. I. Sec. 6, Par 4.



Door-keeper, Chaplain, Post-master and Librarian, and each house has a large number of clerks, messengers, etc.

**Committees:**—Each house has also a large number of committees to whom bills are referred and who influence legislation in much the same way as committees in the states legislature.<sup>1</sup> In the House of Representatives, the committees are all appointed by the Speaker who is chosen by and represents the majority of the House. He has, by virtue of his office more power than any other single member of Congress.<sup>2</sup> In the Senate, the Vice-President may not belong to the same political party as the majority of the members. Hence, he is not given the appointment of the committees which is left to the Senate and is practically settled by the majority party in this body.

**Sessions:**—The Congress holds its sessions at Washington, the Capital of the United States. One regular session is held each year beginning on the first Monday in December.<sup>3</sup> The first session of each Congress usually lasts more than six months, but the second session is only about three months in length and cannot last longer than March 4th, when the terms of the Representatives and of one-third of the Senators expire. The president can call special sessions of Congress, but this is rarely done and only for very important reasons. The two houses agree respecting the time of adjournment of a session of Congress. The rule regarding a quorum is the same as in the General Assembly of Missouri.<sup>4</sup>

<sup>1</sup>See page 41

<sup>2</sup>See page 84

<sup>3</sup>The first session is held in December of the year after the election of Congress or about thirteen months after such election.

<sup>4</sup>See page 40



## CHAPTER XV.

### MODE OF LEGISLATION.

**In General:**—The method of enacting laws by Congress is very similar to that which obtains in the General Assembly of Missouri.<sup>1</sup> A bill is introduced by a member in either house and is referred to a committee.<sup>2</sup> After the report is received, it may be debated and amendments may be made. In order to pass either house the bill must receive a majority vote, a quorum being present.<sup>3</sup> It then goes to the other house where it must pass through the same process. If the bill passes the second house with amendments it must go back to the other house and if the latter does not accept the amendments the bill goes to a conference committee and the houses act upon the report of this committee. If the bill passes both houses it becomes a law unless the President vetoes it within ten days after he has received the same. If Congress adjourns before the end of the ten days the bill will not become a law if the President has not signed it. In order to pass the bill over the President's veto a two-thirds vote in each house is required. In certain features the method of legislation in Congress differs from that in Missouri. This is due to the greater power of the Speaker of the House of Representatives, the restrictions upon debate in such House and the absence of such restrictions in the Senate.

<sup>1</sup>See page 41

<sup>2</sup>Bills for raising revenue must be introduced first in the House of Representatives.

<sup>3</sup>In Missouri a majority of all the members of the house is necessary to pass a bill

**Power of the Speaker:**—The Speaker of the House of Representatives is, with the exception of the President, the most powerful official in the United States. This is due to his control and influence upon legislation. He appoints all committees and through his influence over them can control the character of their reports upon bills which he refers to them. No member can address the House unless he is recognized by the Speaker. Finally, the Speaker can determine what bills shall be considered by the House and the order in which they shall be considered. He does this through a Committee on Rules which he appoints and of which he is a member. This Committee recommends special rules to regulate such matters. Of course, the Speaker would not have this great power if he was not supported by the members of his party who make up the majority of the House.

**Restrictions upon Debate:**—The House of Representatives is so large that if every member could speak as long as he desired very little business could be done. For this reason it has been the rule that the House can close the discussion at any time by a majority vote. In recent years the restrictions have become much greater, the Committee on Rules recommending in certain cases that only a few hours shall be allowed for the discussion of very important bills.

**Freedom of Debate in the Senate:**—In striking contrast to this method is the situation of the Senate. At first, it was a very much smaller body and did not need to restrict debate. Today it is much larger, but the old rule of freedom of debate is still maintained. Sometimes it is abused by members undertaking to discuss a bill for a long time so as to prevent a vote upon it. Near the close of a session this may be done in such a manner as to defeat other important bills, and, in order to prevent this, the attempt

to pass the first bill is given up or it is amended to meet the objections of the opposing Senators.

**President's Influence upon Legislation:**—When the President belongs to the same political party as the majority of the members of each house he can exercise great influence upon legislation by means of messages of recommendation to Congress and by personal arguments with members. In any case, as the head of the Executive Department, he is expected to know what legislation is needed and his recommendations are generally received with respect and consideration.

**Other Influences:**—The other influences are similar to those that appear in the State legislature except that the lobbyists are more numerous and stronger as the interests involved are of greater magnitude.

## CHAPTER XVI.

### POWERS OF CONGRESS.

**In General:**—An enumeration of the powers of Congress may be found in Section 8 of Article I and in Article IV of the Constitution. These powers may be classified under the following general heads: War and Military Affairs; Expenditures; Money; Commerce; Postal Business; National Territory and Indians; Miscellaneous.

#### I—REVENUE AND EXPENDITURES.

**National Taxation:**—The Constitution gives Congress full powers of taxation, subject only to a few restrictions. While Congress has the power to levy practically all kinds of taxes it does not impose any direct property tax such as is levied in Missouri.<sup>1</sup> Instead it levies taxes on imports and internal revenue taxes.

**Taxes on Imports:**—These taxes are called duties, imposts or tariffs and are levied on goods that are imported, that is, brought into the United States from foreign countries.<sup>2</sup> Thus a rate of eleven cents a pound or fifty per cent of its value may be imposed on all wool imported into the country. Some rates are made high so that foreign

<sup>1</sup>There are two reasons for this. Property is taxed by the States and it is better not to have taxes levied by both governments on the same object. In the second place, Congress must divide all direct taxes among the states according to their respective populations and not according to the value of property. (Const. Art. I, Sec. 9, Par. 4.) This would make the rate lower in some states than in others. As this is not a fair method it is never used except in case of war when the needs of the government are pressing.

<sup>2</sup>A tax on exports, that is on goods shipped out of the country, cannot be levied. Const. Art. I, Sec. 9, Par. 5.



goods, after the tax has been paid, can not be sold for as low a price as goods grown or manufactured in the United States. Such a rate is called a protective tariff as it is made for the purpose of protecting home industries against foreign goods, while a tariff for revenue only is intended to promote free trade with foreign countries. All imported goods must be brought into the country at certain places called ports and the taxes must be paid to a United States Collector before the goods can be taken away by the owner.

**Internal Revenue Taxes:**—These taxes are sometimes called excises and are levied on certain goods produced or offered for sale in the United States, such as liquors, tobacco, cigars, etc. These taxes are also levied on the privilege of carrying on certain occupations such as the manufacture or sale of liquors.<sup>1</sup> These taxes must be paid to a Collector of Internal Revenue who furnishes stamps to the amount of the tax. These stamps must be placed upon the barrels, boxes or other packages or exhibited in the place of business as evidence that the tax has been paid.

**Uniformity of Taxation:**—The Constitution provides that all duties, imposts and excises shall be uniform throughout the United States.<sup>2</sup> This means that the same tariff rate shall be levied on a certain article in all ports of the United States and that excise duties shall not vary on the same article or occupation in different parts of the country. This prevents congress from showing favors to one part of the country at the expense of another.

**Other Ordinary Sources of Revenue:**—The national government obtains revenue from a number of miscellau-

<sup>1</sup>When the government needs a large amount of revenue it levies small taxes on documents such as checks, notes, deeds, etc.

<sup>2</sup>Const. Art. I., Sec. 8, Par. 1.

eous sources, the most important of which are the receipts of the postal system and from the sale of public lands.

**Loans:**—Congress has the power to borrow money. Under ordinary conditions the revenue from taxation will be sufficient to pay the expenses of the government, but in time of war and in other special cases, such as the construction of the Panama Canal, the government cannot conveniently raise enough money by taxation. Hence, Congress authorizes the Executive to borrow money and issue bonds of the United States which are agreements to pay interest upon the loan and to return the principal amount within a certain period generally from ten to thirty years. The total amount of the bonded debt of the United States on January 1, 1906, was \$896,358,775. On two-thirds of this amount the rate of interest is only two per cent. On the balance it is three or four per cent.<sup>1</sup>

**Expenditure:**—All revenue collected from any source is paid into the Treasury of the United States and Congress has the sole power of authorizing the expenditure of the same. No money can be drawn from the Treasury except as provided in appropriations made by Congress.<sup>2</sup> The largest items of expenditure are for the postal system, pensions and for the army and navy. Large amounts are also required for the expense of collecting the revenue and for building the Panama Canal.

**Table of Revenue and Expenditures:**—The following table shows the total revenue and expenditure of the National Government for the year ending June 30, 1905:<sup>3</sup>

<sup>1</sup>For debt which does not bear interest, see page 80

<sup>2</sup>Const. Art. I., Sec. 9, Par. 7,

<sup>3</sup>Statistical Abstract, 1905, pages 83-87.

## REVENUE.

Taxes on Imports.. . . . .	\$261,798,857
Internal Revenue Taxes.. . . . .	234,095,741
Postal System.. . . . .	152,826,585
Miscellaneous.. . . . .	48,380,087
	-----
Total.. . . . .	\$697,101,270

## EXPENDITURES.

Postal System.. . . . .	\$170,111,107
Pensions.. . . . .	141,773,965
War Department.. . . . .	124,554,320
Navy Department.. . . . .	118,245,572
Other Executive Departments.... . . . .	145,846,751
Congress.. . . . .	11,909,507
Judicial Department.. . . . .	7,664,276
	-----
Total.. . . . .	\$720,105,498

## II. MONEY.

**Kinds of Money:**—Congress has the power to determine the kinds of money which shall be used in the United States. There are two general classes—coins or metallic money and paper money. The coins which are in use in the United States are either gold, silver, nickel or bronze. Gold is used for the coins of large amount, silver for the dollar, half-dollar, quarter-dollar and dime; nickel for the five-cent and bronze for the one-cent. All coins are made in the four government mints located in different parts of the country. There are five different kinds of paper money which may be grouped under the three classes of

coin and bullion certificates, national bank notes, and United States notes.

**Coin and Bullion Certificates:**—Gold and silver coins after leaving the mint may pass into circulation. But the laws provides that instead of such coins gold and silver certificates may be issued to an amount not exceeding the coins held in the Treasury. These certificates are more convenient than the metallic money and, as they can be exchanged at any time for the coins, they are accepted without question. The bullion certificates are called treasury notes and were issued in payment of silver bullion purchased by the government. As this bullion is coined the treasury notes are redeemed and will soon pass out of existence.

**National Bank Notes:**—The power of Congress to provide money for the country, gives it the right to establish national banks and authorizes them to issue paper money called bank notes. These notes are the promises of the bank to pay the amounts named and are secured by the fact that the bank has on deposit with the officials of the Treasury Department, United States bonds of sufficient value to redeem its notes.

**United States Notes:**—These are called greenbacks. During the Civil War the government could not collect enough money to pay its expenses so it issued its notes each of which was a promise to pay a certain amount. They constitute part of the debt of the United States, but do not bear interest. The government redeems these notes in coin, hence, people are quite willing to accept them.

**Total amount of Money in Circulation:**—The total amount of money in circulation in the United States on



January 1, 1906, was \$2,671,543,571.<sup>1</sup> distributed as follows:

Gold Coin.. . . . .	\$654,168,025
Gold Certificates.. . . . .	480,939,019
Silver Coin.. . . . .	193,765,592
Silver Certificates.. . . . .	463,960,485
National Bank Notes.. . . . .	527,173,475
United States Notes.. . . . .	343,262,091
Treasury Notes .. . . . .	8,274,884
	<hr/>
Total .. . . . .	\$2,671,543,571

III. COMMERCE.

**Inter-State and Foreign Commerce:**—Each state regulates commerce or business that is carried on entirely within its boundaries. But many matters of this kind are carried on between residents of different states. This is called inter-state commerce. If carried on between a foreign country and any of the states it is called foreign commerce. Inter-state and foreign commerce are subject to regulation by Congress.. In the exercise of its power Congress may make regulations respecting harbors and rivers, railroads and steamships, telegraph and express companies, etc. The control of railroads is an important matter and Congress has created the Inter-State Commerce Commission to administer certain laws regarding railroads engaged in interstate traffic. The power of Congress to control immigration is included in its power to regulate foreign commerce. An immigrant is a foreigner who comes into the United States to reside. Congress places restrictions upon immigration. Thus Chinese laborers and paupers are excluded. There is a demand on the part of

<sup>1</sup>Does not include nickel and bronze coins.

some people that further restrictions be imposed, such as the exclusion of those who cannot read and write.

**Weights and Measures:**—Congress can fix the system of weights and measures which shall be used in all parts of the United States. It has not used this power to any great extent but has left each state to regulate the matter for itself. Efforts are being made to get Congress to establish the metric system of weights and measures and some progress has been made in this direction.

#### IV. POSTAL BUSINESS.

**In General:**—The postal system is of great importance to commerce as well as in social life and other activities. Congress has full power to regulate the entire system which is managed as a public business by public officials. It is used for mailing letters, newspapers and small packages, and money orders are issued by means of which a person is enabled to send money to any place in the United States and to foreign countries. Each town of any size has a post-office, in charge of a post-master. In large cities free delivery is established and mail is brought to one's residence or place of business by letter carriers. About ten years ago this system was extended to the rural or country districts by the establishment of rural free delivery.

#### V. WAR AND MILITARY AFFAIRS.

**In General:**—The Constitution provides that Congress shall have the power to declare war. It gives it also the power to provide an army and navy and make rules for the government of the same.

**Military Forces:**—The military forces of the United States are the Army and the Militia or National Guard.

The policy of the United States has been to have a small standing army in time of peace. For a long time it could not exceed 25,000 men, but since the acquisition of the Philippines the number has been more than doubled and can be raised to 100,000 men. The officers of the army are trained at the West Point Military Academy. The militia includes the military forces of the states.<sup>1</sup> Congress provides the rule by which the militia shall be governed, but the actual government is in the hands of the states until the militia is called into the service of the United States by the President, acting under the laws of Congress.

**Naval Forces:**—The Navy plays an important part in modern warfare. Congress appropriates large sums for battle ships and other vessels of war. The naval forces number over 30,000 men. The officers are trained at the United States Naval Academy at Annapolis.

**Military Pensions:**—As its standing army is so small the United States depends largely upon volunteer soldiers in times of war. As a reward for military service the government grants pensions to disabled or dependent soldiers or their widows. Annual payments for pensions amount to more than the cost of the standing army.<sup>2</sup>

## VI. NATIONAL TERRITORY AND INDIANS.

**Kinds of National Territory:**—In addition to the special powers which Congress can exercise in the states it has general powers of government over all territory belonging to the United States which is not included in any state.<sup>2</sup> This territory divides itself into the following

<sup>1</sup>See page 47

<sup>2</sup>See page 89

<sup>2</sup>Const. Art. I., Sec. 8, Par. 17; Art. IV, Sec. 3, Par. 2



groups: District of Columbia; Territories; Reservations; Miscellaneous Territory.

**District of Columbia:**—The District of Columbia is the seat of the National Government. It includes about 70 square miles in area which was formerly a part of Maryland, but was ceded by that state to the United States. Congress legislates for the District and the local government is carried on by three commissioners appointed by the President.

**Territories:**—In our consideration of the early government of Missouri, we discussed the way in which national territories came to be organized and the manner of government provided for them.<sup>1</sup> Congress has full power to regulate this matter but, from the beginning, it has given the people of a territory the power of local government as soon as they have been prepared for it. At present there are four territories, Arizona, New Mexico, Oklahoma and Hawaii whose government is similar to that of the States except that their Governor, Secretary and Judges are appointed by the President. Porto Rico has a similar government except that the members of the upper house of the territorial legislature are also appointed by the President. Alaska and the Philippines make up a third class in which there is no representative territorial legislature, though provision has been made for introducing a legislature in the Philippines similar to that which obtains in Porto Rico.

**Admission of States:**—As we have seen,<sup>2</sup> it was the policy of Congress to admit a territory as a state into the Union as soon as it had sufficient population. Arizona,

<sup>1</sup>See page 34

<sup>2</sup>See page 34



New Mexico and Oklahoma will be admitted in the near future, but there is no present intention to follow this policy so far as the other Territories are concerned as there are practical difficulties on account of the character of the population or the distance of the Territory from the Seat of Government.<sup>3</sup>

**Indian Territory and Reservations:**—Congress exercises a control over the Indians who originally held possession of the land which is now included in our states. Some of the Indians, such as the tribes living in the Indian Territory, are sufficiently civilized to attend to their own internal affairs. This territory will be joined to Oklahoma and admitted as a state in the near future. The less civilized Indians are located on reservations which are sections of national territory set aside for this purpose. An Indian Agent, appointed by the President, is in charge, and the government furnishes schools and generally food, clothing and other necessary supplies.

**Miscellaneous:**—The national government needs forts, dockyards, military and naval stations, post offices, custom houses, etc. Congress provides for the government of all of such territory and property. The national government became the owner of most of the land which was acquired from the Indians. This public land was surveyed,<sup>1</sup> and sold to settlers on very low terms. In addition large tracts were granted to the states to be used to promote public education. In Missouri there are only about 100,000 acres of vacant pub-

<sup>3</sup>The present Congress has passed an act authorizing the admission of Oklahoma and the Indian Territory as a single state under the name of Oklahoma and the admission of Arizona and New Mexico as a single state under the name of Arizona. Arizona refused to agree to this Union, hence it and New Mexico will continue to exist as Territories.

<sup>1</sup>See page 25

lic land, but in the Western states and territories a large amount is still unoccupied though most of it is not fit for cultivation on account of a lack of water. Congress has made provision for irrigating these lands and when this has been done they will be occupied by settlers.

## VII. MISCELLANEOUS POWERS.

**Citizenship and Naturalization:**—Under the Constitution a person becomes a citizen by being born or naturalized in the United States. An alien or foreigner is a person who was not born in the United States. Naturalization is a process by which an alien is made a citizen. The following is the process which has been fixed by Congress. The alien appears before a state or national court and declares that it is his desire to become a citizen. He is then given his first papers. After he has lived in the United States five years, and two years after he has received his first papers, he can be made a citizen by the Court, being first required to take an oath to support the Constitution of the United States.

**Patents and Copyrights:**—Congress, in order to encourage useful discoveries, has provided that every person who makes a new invention shall be entitled to a patent which gives him the exclusive right to manufacture or sell the same, for a certain term of years. A copyright is a similar privilege, giving a person the sole right to publish a book he has written or drawing, etc., which he has made.<sup>1</sup>

**Organization of Executive and Judicial Departments:**—The Constitution contains certain fundamental provisions regarding the executive and judicial departments but leaves

<sup>1</sup>A *trade mark* is a certain sign which a merchant has adopted to indicate his business on the goods he manufactures. He is protected in the use of this by State laws, though Congress may also protect the same so far as regards inter-state and foreign commerce.

the great majority of matters to be determined by legislation. Thus Congress creates all executive and administrative offices and fixes the duties, powers and salary attached to the same. Congress also provides for the organization of the national courts.

**Crimes:**—Except in the District of Columbia and the Territories, Congress can make only a few acts crimes. In the states the legislatures regulate most of these matters. Congress, however, provides what acts are crimes on the high seas and against the law of nations such as piracy and the slave trade. It also provides for the punishment of counterfeiting. Congress also declares the punishment of treason, which arises whenever a citizen makes war against the United States or assists its enemies.<sup>1</sup>

**Implied Powers:**—Congress has not only the express powers which are granted to it by the Constitution, but those which are implied, that is, necessary and proper for carrying these express powers into execution.<sup>2</sup> Individuals and political parties differ respecting the extent of these implied powers. Some insist upon a strict construction which will restrict the powers of Congress while others advocate a loose or liberal construction which gives Congress very great powers. Thus, Congress is not expressly authorized to establish national banks but it must provide a system of money and hence it was held that this gave it the implied power to create banks to assist it in this function.

**Special Powers of the Separate Houses:**—In addition to regulating its own proceedings each house has certain special duties. Thus all revenue bills must originate in the House of Representatives,<sup>3</sup> which has also the sole pow-

<sup>1</sup>Const. Art. III., Sec. 3.

<sup>2</sup>Const., Art. I., Sec. 8, Par. 18.

<sup>3</sup>Art. I., Sec. 7, Par. 1.

er of impeachment.<sup>4</sup> The Senate tries and decides all impeachments, and passes upon all treaties.<sup>5</sup> Most of the appointments to office made by the President,<sup>6</sup> must be approved by the Senate.

**Restrictions upon Congress:**—The Constitution has restricted Congress in the exercise of the powers granted to it. Some of these restrictions have been noted in the discussion of its powers.<sup>7</sup> Others restrict the power of Congress in regulating the procedure of courts in the trial of crimes and civil cases.<sup>8</sup> A few important restrictions may be noted at this point.

**Freedom of Religion, Speech and Press:**—Congress cannot make any law restricting the free exercise of religion. It is also prohibited from abridging the freedom of speech or the press or the right to petition the government for redress of grievances.<sup>1</sup>

**Personal Freedom:**—The Thirteenth Amendment to the Constitution, which abolished slavery, provided that no person shall be deprived of his freedom except as a punishment for crime.

**Eminent Domain:**—Eminent domain is the right of the government to take the property of an individual when it is needed for public use. The Constitution provides that this shall not be done without giving just compensation to the owner of the property.<sup>2</sup>

<sup>4</sup>Art. I. Sec. 2, Par. 5.

<sup>5</sup>See page 103.

<sup>6</sup>See page 104.

<sup>7</sup>See page 86.

<sup>8</sup>See page 112.

<sup>1</sup>Const. Amendments, Art. I.

<sup>2</sup>Amendments, Art. V.



**Titles of Nobility:**—Congress is not permitted to grant any titles of nobility and United States officials cannot accept titles, offices, or presents of any kind from any foreign state without the consent of Congress.<sup>3</sup>

<sup>3</sup>Art. I., Sec. 9. Par. 8.

L. OF C.

## CHAPTER XVII.

### THE PRESIDENT.

**Term of Office:**—The Chief Executive of the United States is a President who is elected for a term of four years. A strong president is usually re-elected, but it has become the rule that no one shall be chosen for more than two terms.

**Qualifications:**—No person except a native born citizen can be President. He must also have resided in the United States fourteen years and have attained the age of thirty-five years. As a matter of fact most presidents have been much older when elected.

**Compensation:**—The President receives an annual salary of \$50,000 and is furnished an official residence which is called the White House.

**Manner of Election:**—The President is chosen by an indirect method of election. The voters choose electors and these electors choose the President and Vice-President. It was not originally intended that the electors should be instructed how they should vote and they were left free to exercise their own judgment in the matter. Custom, however, has led to the rule that before being chosen the electors are pledged to vote for certain persons who have been nominated by their party convention so that the election is for the most part direct. Each state is entitled to as many electors as it has senators and representatives in congress. Thus, Missouri has eighteen electors. Each political party decides upon its candidates for President and Vice Presi-

dent. It then nominates in each state as many electors as the state is entitled to and these electors are voted for by the qualified voters of the state at the general election, in November, before the end of the President's term of office. The electors are chosen on a general ticket, that is, each voter votes for as many candidates as there are electors in his state.<sup>1</sup> Those electors who receive the largest number of votes in the state are declared elected. The total number of the votes cast for the electors of one political party in all of the states is called the popular vote for the presidential nominee of that party. But the total popular vote has nothing to do with the election, as, in order to be elected, the candidate must receive a majority of all the electors who have been chosen in all the states. However, it is usually the case that the candidate who has the largest popular vote also receives the votes of the majority of the electors.

It is known within a day or two after the election which electors have been chosen and, as the electors will vote as instructed, the choice for President is known at the same time. It is nevertheless necessary to go through the forms provided by the Constitution and laws of Congress.<sup>2</sup> The electors in each state meet at the state capital on the second Monday in January after their election and cast their ballots for President and Vice-President. The votes are sent to the President of the Senate and on the second Wednesday of February they are counted in the presence of both houses of Congress and the candidates who have received a majority of all the votes are declared elected and

<sup>1</sup>A state legislature may divide the state into districts and have each district choose one elector, but this plan has not been followed in recent elections.

<sup>2</sup>Amendments, Art. XII.

are inaugurated as President and Vice-President on the fourth day of March.

If no one has received the votes of a majority of all of the electors the election is left to the two houses of Congress. The Senate decides between the two candidates for the office of Vice President who received the highest number of votes while the House of Representatives chooses a President from the candidates, not exceeding three, who have the highest number of votes for that office. In choosing the President the House votes by states, the delegation of representatives from each state having one vote and a majority of all the states is necessary to elect. If the House fails to choose a President in this manner the Vice President becomes President.<sup>1</sup>

**Succession to the Presidency:**—In case the President is removed from office or dies, resigns or is unable to perform his duties, he is succeeded by the Vice-President who is chosen at the same time and for the same term as the President and must possess the same qualifications. The Vice-President receives a salary of \$8000 a year. Congress is authorized to provide for the case in which both President and Vice-President are unable to perform the duties of the office, and it has done so by providing for the succession of the heads of the Executive Departments,<sup>2</sup> beginning with the Secretary of State.

<sup>1</sup>The original method of electing President and Vice President provided that each elector should vote for two persons for President and that the persons who had a majority and the highest number should be President and the person receiving the next highest number be Vice-President. In 1801, Thomas Jefferson and Aaron Burr, who were the nominees of the same party for President and Vice-President, each received a majority and the same number of votes. Hence the election was thrown into the House of Representatives, which, after a long contest, chose Jefferson. This difficulty led to the adoption of the XIIth Amendment to the Constitution which provides the procedure indicated above.

<sup>2</sup>See page 106



## II. POWERS AND DUTIES OF THE PRESIDENT.

**Foreign Affairs:**—The President is the head of the National Government and as such represents the United States in all of its dealings with foreign governments. He acts through ambassadors, ministers and consuls sent by him to these governments and he receives from them similar representatives. The relations between the United States and foreign nations are regulated by treaties which are contracts drawn up and agreed to by both nations. The President makes all of these treaties, but they do not go into force unless ratified, that is, approved by a two-thirds vote in the Senate.<sup>2</sup>

**Military Powers:**—The President is Commander-in-chief of the army and navy and can direct the movements of such forces. While war must be declared by Congress, the President, by his control over relations with foreign nations and over the military forces, can practically bring about a condition of war. During war his powers become very much greater than in time of peace.

**Legislative Powers:**—The President's powers with respect to legislation have been discussed in the chapter dealing with the Organization of Congress.<sup>3</sup> They include the right to call extra sessions, make recommendations and veto acts of Congress.

**Judicial Powers:**—The President has the power of granting reprieves and pardons for offenses against the United States similar to that which is possessed by the Governor of a state.<sup>1</sup>

**Appointments and Removals:**—We have seen that in

<sup>2</sup>Const. Art. II., Sec 2, Par. 2.

<sup>3</sup>See pages 83, 85.

<sup>1</sup>See page 45

Missouri many of the state and local officials are elected by the voters. This is not true of the National Government as the President is the only executive official who is elected. All of the others are appointed. The judges of the federal courts, the heads of executive departments and other important officials are appointed by the President with the consent of the Senate. A few officials are appointed by the President alone while the minor officials are appointed by the heads of departments.<sup>2</sup> The President can remove most of the civil officials appointed by him and can secure the removal of minor officials.

**The Executive Civil Service:**—The Executive Civil Service includes practically all of the officials of the Executive Department except military and naval officials. The extent of the President's power of appointment and removal will be appreciated from the fact that on June 30, 1905, there were 300,615 positions included in this Civil Service.<sup>3</sup>

**Political Appointments and Removals:**—The great majority of these civil officials have nothing to do with the politics of the government. They are post-masters, clerks and similar employees who carry on the business of the government. Originally, persons appointed to such positions held the same as long as they gave good service. Beginning with the administration of President Jackson there was introduced the principle that "to the victors belong the spoils," which means that when a political party gets control it should reward its supporters by giving them government positions and that persons belonging to a different political party should be removed to make room for such supporters. The adoption of this practice led to very bad

<sup>2</sup>Const. Art. I, Sec. 2, Par. 2.

<sup>3</sup>22nd Report of U. S Civil Service Commission, page 137.

results. The new appointees were in many cases unsatisfactory while those efficient officials who were able to secure other places left the government service on account of the insecurity of their positions.

**Civil Service Reform:**—The results of such a system became so great that in 1883 Congress enacted a remedy in the Civil Service Act which provides for the examination of persons who desire to enter the government service and requires that appointments shall be made from among those who receive the highest passing grade on such examinations. Removals for political reasons are forbidden. A Civil Service Commission of three members administers the provisions of the act. At first only a few of the positions in the civil service were subject to these competitive examinations, but the President was given authority to extend this part of the service which was called the Classified Service. The Presidents used the power so freely that on June 30, 1905, 171,807 positions were subject to such competitive examinations. The system is by no means perfect but it has brought about the very great improvements in the character of the Civil Service.

**Execution of the Laws:**—Finally we must note that the Constitution provides that the President “shall take care that the laws be faithfully executed”<sup>1</sup> As he appoints all important officials and can control their acts he is able to control the acts of the minor officials appointed by them. In this way he can compel officials all over the country to enforce the laws and is not dependent, as is the Governor, in many cases, on the opinions or desires of locally elected officials.

<sup>1</sup>Art. II., Sec. 3.

## CHAPTER XVIII.

### EXECUTIVE DEPARTMENTS AND THE CABINET.

**The Executive Departments:**—In Missouri the work of administration is divided among a large number of independent departments to each of which are assigned only a few functions of government.<sup>1</sup> In the National Government, on the contrary, administrative work is concentrated in a few departments most of which have a large number of matters to attend to. The First Congress, in 1789, created the three departments of State, Treasury and War, and the office of the Attorney-General, which was of equal rank with the heads of the departments but was not made a department until 1870 when it became known as the Department of Justice. As the business of the government increased new departments were added as follows: Navy (1798), Post Office, (1829), Interior (1849), Agriculture (1889) Commerce and Labor (1903) making nine in all.<sup>2</sup>

**The Cabinet:**—The head of each department supervises its administration but in addition he is a member of the President's Cabinet or the council to which the President refers matters of government policy or administration. While he is not obliged to follow the advice of the Cabinet the President is, as a rule, influenced by it. The members of the Cabinet are usually leading men of the same party as as the President by whom they are appointed. The consent

<sup>1</sup>See page 46

<sup>2</sup>The Post Office was first established as a department in 1794, but was not of equal rank with the others until 1829. The same was true of the Department of Agriculture which was first organized in 1862 and the Department of Labor organized in 1888 but merged with that of Commerce and Labor in 1903.



of the Senate is necessary, but it is given, almost always, as a matter of course as it is felt that the President should be free in choosing his advisers.

**General Organization of Departments:**—The departments are similar in their general organization. The head of each department is called a Secretary except in the case of the Attorney-General and Post Master-General. There are one or more Assistant Secretaries in each department. Each department is divided into bureaus or offices and each of these into divisions. A commissioner or chief is usually at the head of a bureau or office while the head of a division is called a chief. In each division there are a number of clerks. The whole system is so organized that each official is responsible to some superior officer. Thus the clerk is controlled by the chief, the chief by the commissioner, and the latter by the secretary while the President exercises an immediate control over all heads of departments.

**The Department of State:**—The Secretary of State, like the same official in Missouri, has charge of the official acts of the legislative department and the chief executive. He keeps the official copies of acts of congress, treaties, executive proclamations and commissions and has in his custody the great seal of the United States which he affixes to various official documents. His chief duties, however, are concerned with foreign relations. For this purpose there are Diplomatic and Consular Bureaus in the Department of State. The former has under its direction all communications and proceedings with foreign nations. These are made through our ambassadors or ministers in foreign state or by means of the representatives of such states who are stationed at Washington. The Consular Bureau has charge of the work of United States Consuls who are locat-

ed in the more important cities of foreign countries and who look after the interests of American commerce in their consular districts.

**Department of the Treasury:**—This department is charged with the administration of the laws relating to revenue, expenditure and money.<sup>1</sup> All revenue which is collected from any source is deposited with the Treasurer of the United States who pays it out upon the order of the Secretary or some authorized official. In order to keep a check upon expenditures as well as upon the Treasurer there are a series of Auditors and Comptrollers who are required to pass upon accounts and countersign warrants which are registered by the Register of the Treasury. For convenience in collecting the revenue and paying the expenses of the government nine sub-treasuries have been established in different parts of the country, each in charge of a sub-treasurer. One of these is located in St. Louis. The Comptroller of the Currency administers the laws relating to national banks while the Director of the Mint has charge of the coinage. The Bureau of Engraving and Printing, under the direction of a Chief, attends to the engraving of all paper money, bonds, postage and revenue stamps, etc.

There are also a number of additional matters attended to by this department. The Supervising Architect has charge of the plans and construction of public buildings such as custom houses, post offices, etc. A Surgeon General is in charge of the Public Health and Marine Hospital Service. The Life Saving Service looks after the saving of lives and property from vessels in danger. The Secret Service is charged with the detection of revenue frauds and other crimes, such as counterfeiting.

<sup>1</sup>See pages 86-91

**The Department of War:**—This department has charge of the military affairs of the government<sup>1</sup>. It has various offices and bureaus which furnish food, clothing, transportation, medical service, arms, ammunition, etc., for the army and looks after its posts, arsenals, etc. In addition important public works, such as the construction of fortifications and improvement of rivers and harbors, are attended to by the Corps of Engineers. The Isthmian Canal Commission, which has charge of the construction of the Panama Canal, is a part of the War Department. The Bureau of Insular Affairs has charge of matters relating to civil government in the Philippine Islands. While the Secretary and Assistant Secretary are civil officials, the heads of bureaus and offices are military officials.

**The Department of the Navy:**—This department attends to naval affairs including the construction, repairs, equipment and operation of vessels of war and the furnishing of men and supplies. As in the War Department, the Secretary and Assistant Secretary are civil officials but the heads of bureaus are naval officers.

**Department of Justice:**—The Attorney-General gives legal advice to the President and the heads of departments. He has general supervision of all United States Marshals and District Attorneys. He may direct any case in court to which the United States is a party and generally appears in person or through his assistants to argue cases before the Supreme Court and Court of Claims.

**The Post Office Department:**—The Post Master-General has charge of the postal business of the country. He is assisted by four Assistant Post Master-Generals, each of whom is in charge of certain of the fields of postal business.<sup>2</sup>

<sup>1</sup>See page 92

<sup>2</sup>See page 92



**The Department of the Interior:**—The more important affairs attended to by this department are sufficiently indicated by the title of the following officials in charge: Commissioner of the General Land Office, Commissioner of Pensions, Commissioner of Indian Affairs, Commissioner of Patents. There is also a Commissioner of Education who collects and publishes information respecting schools and education and has supervision over education in Alaska. The Director of the Geological Survey makes scientific investigation regarding the geological structure and mineral resources of the United States.

**Department of Agriculture:**—This department is organized to promote the agricultural interests of the country. The Weather Bureau is an important division. There are also bureaus dealing with domestic animals, plants, soils, forestry, chemistry, road improvement, experiment stations, etc.

**Department of Commerce and Labor:**—This new department includes some very important matters. It is in general charged with the promotion of the commercial and labor interests of the country. Much of its work is in the nature of collecting and publishing information. There are Bureaus of Corporations, Manufactures, and Labor. The Bureau of Statistics publishes valuable information pertaining to foreign commerce while the Census Bureau takes the census every ten years and collects special statistics from time to time. The following branches have to do with the safety and improvement of river and marine navigation: Bureau of Navigation, Steamboat Inspection Service, Light House Establishment and Coast and Geodetic Survey. The Bureau of Immigration inspects immigrants and administers the immigration laws. The Bureau of Standards has



charge of the National Standards of Weights and Measures and makes copies of the same for commercial, educational and similar purposes. There is also a Bureau of Fisheries in this Department.

**Special Bureaus:**—In addition to the nine executive departments there are a number of independent bureaus, commissions, etc., which are not included in any Executive Department. We have already considered two of these, the Inter-state Commerce Commission,<sup>1</sup> and the Civil Service Commission.<sup>2</sup> The Government Printing Office, in charge of the public printing, is the largest printing office in the world. It does all the printing and binding for the National Government except that which is done by the Bureau of Engraving and Printing in the Department of the Treasury. The Library of Congress, which is a great national library, is under the direction of a Librarian appointed by the President. The Copyright Office, under a Register of Copyrights, is a division of the Library which has charge of the administration of the copyright law.<sup>3</sup> Other institutions of the National Government are the Smithsonian Institution, National Home for Disabled Volunteer Soldiers, International Bureau of American Republics, etc.

<sup>1</sup>See page 91

<sup>2</sup>See page 105

<sup>3</sup>See page 96

## CHAPTER XIX.

### JUDICIAL DEPARTMENT.

**National Courts:**—In our discussion of Judicial Department of Missouri we learned the nature of the work done by the courts. Most of the cases which arise can be settled finally by the state courts but there are some matters which it would be unwise to leave to these courts, and others which they cannot decide. Hence, the Constitution gives Congress authority to create national courts with power to decide the following: First, those cases which have to do with matters which are regulated by the national government, such as foreign relations, foreign and inter-state commerce, national taxation, money, territories, Indians, postal system and in general any question arising under the laws and treaties of the United States. Second, those cases to which the United States is a party, such as a dispute over a contract for the construction of a public building. Third, case between two or more states, such as a dispute over boundary lines. Fourth, cases between citizens of different states, as when a citizen of Missouri seeks to collect money from a citizen of Illinois. He may sue in the Illinois courts, but if he prefers he can bring the suit in a national court. Finally, the national courts have power to decide all questions affecting the Constitution of the United States and the division of powers between the National and State Governments. If Congress passes a law which it has not been authorized to enact the courts will declare it unconstitutional, that is, invalid, when it is sought to enforce the same, and it will do likewise if a state legislature passes a law regard-

ing any of the matters the regulation of which the Constitution has delegated to Congress or prohibited to the states. The chief national courts are the District Courts, Circuit Courts, Circuit Courts of Appeals and Supreme Court. There is also a special Court of Claims.

**District Court:**—The District Court, which is the one of lowest grade, is held by a District Judge. There is at least one district court in each state but the largest states are divided into two or more districts. Thus Missouri is divided into an Eastern and Western District, with a district judge and court for each district. Each district is divided into two or more divisions and the court meets at least once each year in each division. This court deals with prosecutions for violation of national laws, admiralty and bankruptcy cases, etc.

**Circuit Court:**—The Circuit is a much larger area than the district. The entire United States is divided into nine circuits. For each of these circuits there are appointed two or more circuit judges. Missouri is in the Eighth Judicial Circuit which has four circuit judges. In addition each one of the nine judges of the Supreme Court is assigned to one circuit. Any one of these judges or any district judge in a circuit may hold the Circuit Court which is held at least once each year in each district. The district and the circuit courts are each given authority to try certain cases while others may be tried in either court.

**Circuit Court of Appeals:**—Originally appeals from the decision of the district or circuit court were taken direct'y to the Supreme Court. This threw too great a burden upon this court and in 1891 Congress created a Circuit Court of Appeals in each circuit which may be held by any two

of the judges authorized to hold the circuit court. Most appeals from the lower courts go to circuit court of appeals though some go directly to the Supreme Court. In many cases the decision of the circuit court of appeals is final.

**Supreme Court:**—The Supreme Court, which is the head of the entire judicial system of the United States, consists of a Chief Justice and eight Associate Justices. It holds its sessions at the National Capital. Most of the cases coming before this Court are appealed from the lower courts, but a few cases are tried first in the Supreme Court. These are “cases affecting ambassadors, other public ministers, and those in which a state shall be a party.”

**Court of Claims:**—The Court of Claims was established for the purpose of trying claims of individuals against the United States. It consists of a Chief Justice and four Associate Justices.

**Appointment, Term and Salary:**—In striking contrast with the rule in Missouri and in most states the judges of the national courts are appointed by the chief executive and hold their positions for life or during good behavior.<sup>1</sup> This tends to render the judges more independent and impartial in their decisions as they do not need to consider the question of their re-election. Their salaries are much larger than those received by Missouri judges, though not as much as most of them could earn from the practice of law.<sup>2</sup>

**Officials of Courts:**—The Supreme Court appoints its own Clerk and Marshal. Each of the other courts has a clerk for each place in which it holds its sessions, though

<sup>1</sup>They may be removed by the process of impeachment.

<sup>2</sup>Their annual salaries are as follows: Chief Justice, \$13,000; Associate Justices, \$12,500; Circuit Judges, \$7,000; District Judges, \$5,000.



the same person usually acts as clerk for both the circuit and district court. The President appoints for each district a District Attorney and a Marshal who are officials of all the national courts holding sessions in their districts. The Attorney General of the United States and his assistants may represent the United States in any of the national courts, but usually appear only in the Supreme Court.

**Judicial Proceedings:**—The proceedings in civil and criminal cases before the national courts are similar to those which have been described in the Chapter dealing with the Judicial Department of Missouri.<sup>1</sup> The Constitution of the United States gives an individual the right to demand practically the same privileges in judicial proceedings as are recognized by the Constitution of Missouri.

**Impeachments:**—The President, Vice President and all civil officials of the United States may be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.<sup>2</sup> The House of Representatives presents the impeachment which is tried by the Senate, the rules governing the same being similar to those already discussed in connection with this process in Missouri.<sup>4</sup>

<sup>1</sup>See page 68

<sup>2</sup>See Const. of U. S., Art. III. Sec. 2. Par, 3; Amendments, Art. IV-VIII.

<sup>3</sup>Const. Art. I, Sec. 2. Par, 5; Art. II, Sec. 4,

<sup>4</sup>See page 73

# HISTORY OF MISSOURI

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## PART I IN THE COLONIAL DAYS

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### CHAPTER I.

#### DISCOVERY AND SETTLEMENT OF THE LAND

1. **First Discovery.**—A Spaniard, Hernandez de Soto, in 1541, was probably the first white man to set foot upon the territory which afterward became Missouri. This was forty nine years after an Italian, Christopher Columbus, discovered America. De Soto \* had heard that much gold and precious stones could be found in the new country. With soldiers and priests, numbering over six hundred, he set out from Florida, seeking the mysterious wealth. His company was brilliantly dressed and carried glittering swords, lances and shields. The Indians were unfriendly. There were no roads. Fever broke out among the Spaniards. They found neither gold nor precious stones. Finally they

\*Missouri—pronounced Miz-zou-ry—takes its name from the Indian tribe, Missouris, who lived on the chief river of the state. The word means “wooden canoe” not, as is sometimes said, “muddy water.”

||DeSoto had won fame by brilliant horsemanship in the conquest of Peru where he was the chief aid of Pizarro. He was appointed governor of Cuba by the Spanish king in 1537 and at the same time given permission to conquer Florida and explore the territory to the west and north.

came to the great river, called by the Indians, Mississippi, the Father of Waters. The Spaniards crossed the river and, about where New Madrid is first entered the territory which is now Missouri. De Soto became ill and died. The Indians had named the Spanish leader the Son of the Sun. His soldiers feared the effect if his death was known to the red men. So secretly at night they bore his body to the river and sunk it beneath the water. "He had crossed a large part of the continent and found nothing so remarkable as his burial place." The few remaining Spaniards, homesick and discouraged, made rude boats, floated down the Mississippi river and escaped to Spain. No permanent settlement was made. The Spaniard was to yield this honor to the Frenchman.

2. **Early French Explorers.**—From the French settlements in Canada came the earliest French explorer. This was in 1673. Father Jacques Marquette, a priest of the Catholic church, of a high family from the cathedral city of Lorn, France, bent upon carrying the Catholic religion to the Indians, was the leader. With him came Louis Joliet, a trader in furs, the son of a wagonmaker in Quebec. A small party, only five in number, in birch bark canoes, they paddled along the shores of Lake Huron and Lake Michigan, carried their light boats across the plains of the Wisconsin river and floated down this river to the Mississippi.\* Down the Mississippi Father Marquette and his companions went, uncertain whether the great river flowed toward Virginia, the Gulf of Mexico or, as they had heard, toward China.

\*Joliet, in gratitude to the French governor of Canada, Frontenac, called the river La Buade. Marquette, remembering a vow he had made to the Virgin Mary, called it the Concepcion; later, La-Salle called the river Colbert. None, however, was able to supplant the Indian name, Mississippi, "The Father of Waters."

They stopped at several points, were pleasantly received by the Indians and were given the calumet or "pipe of peace" which the Indian chief said would insure them friends everywhere. Marquette and Joliet landed at the mouth of the Missouri river and proceeded to the southward as far as the mouth of the Arkansas river. Then they returned to Canada.

**3. Expedition of LaSalle**—The second exploring party from Canada was led by Robert Cavalier, better known as LaSalle,\* in 1682. He sought to obtain the Mississippi river country for France. His party, commissioned by the French king, proceeded, amid many hardships, from the French settlements in Canada by way of the Illinois river to the Mississippi river and down to its very mouth. On April 9, 1682, La Salle took possession of the whole Mississippi valley in the name of the king of France.\* He called the territory Louisiana for the reigning monarch Louis XIV. It included the region from which twenty states of the United States have since been formed. Even the brave and hardy La Salle made no settlement along the river of

||A wooden column was raised at the mouth of the Mississippi, a cross was placed by the side of the column and in the ground was buried a leaden plate bearing the arms of France and the inscription—in French—"Louis the Great reigns."

\*Robert Cavalier, Sieur de LaSalle, made three attempts to reach the Mississippi before he succeeded. The first time his boat was lost, the second time his supplies were exhausted and he was compelled to return to Canada from his winter fort significantly named Crevecoeur, which is French for heart break. Finally, after two years effort he floated down the great river. Later, wandering in Texas, he was murdered by mutinous soldiers, March 19, 1684. He was coldly ambitious, reserved to hauteur, over-confident in his own judgment, with great natural ability and equal determination, imaginative to a fault, and consequently even more visionary than practical. The essential failure of his colonizing and monopoly projects should not obscure his real services as the greatest French explorer of the Mississippi Valley."



which he made the first complete exploration. His discoveries, however, and reports to the old world brought other explorers and, soon, the first settlers.

4. **First Settlements**—The first settlement by white men in Missouri was at St. Genevieve in 1735, about three miles distant from the present town of the same name. The settlement was made by traders from Fort Chartres in Illinois and consisted of a large blockhouse and a few smaller houses. The second settlement of permanence was at St. Louis. Pierre Laclède\* headed an expedition from New Orleans for trading with the Indians and chose a bluff on the west bank of the great river for its headquarters. Here in 1764 a few French families came and a trading post named for the King of France, St. Louis, was founded. The trading firm of Maxent, Laclède & Co., of which Laclède was the chief member, did a good business and the new settlement grew rapidly. Shortly before St. Louis was founded Blanchette, "the hunter," settled at the Village of the Hills, now St. Charles.\* and soon several other hamlets were begun. The white man was in permanent possession. Slowly the red men were driven further toward the westward, but it was nearly three-quarters of a century before they had entirely disappeared from Missouri.

||Fort Chartres was on the Mississippi river in "the Illinois country" about 60 miles below the mouth of the Missouri river. When completed, early in the 18th century, it was one of the strongest fortresses on the continent.

||Pierre Laclède Liguist was born in Bion, France, at the foot of the Pyrenees mountains, in 1724. He was of dark complexion with piercing black eyes, nervously energetic, of shrewd, business sense. Laclède died June 20, 1778, in his bateau on the Mississippi river and was buried on the river banks at a spot now unmarked. He was never married.

\*This was 1762 while it was February 15, 1764, when Laclède landed in St. Louis.

## CHAPTER II.

### OWNERSHIP OF THE LAND.

5. **First Owners**—The first owners of the Mississippi valley territory, after the Indians,\* were the French. In 1682, LaSalle having traveled down the Mississippi river to the Gulf of Mexico erected a cross upon its banks, hoisted the flag of France and took possession of the entire country in the name of his king, Louis XIV. He called the region Louisiana and the northern portion was called "the district of the Illinois." Attempts at settlements were made. Some ended in failure while others were partly successful. The French held the territory with little attempt at government. Ft. Chartres in Illinois was the residence of the chief authorities. The Mississippi was a French river and all the land from the Great Lakes to the Gulf was owned by the French.

6. **Spanish in Possession**—The Spanish were the second owners. In 1762 the king of France, hardpressed at home and in trouble abroad, presented, by a secret treaty, to his "much loved cousin," the king of Spain, his title to all the province of Louisiana. Six months later, by the treaty of Paris, he ceded to England all Canada and all the territory east of the great river except New Orleans, despite the fact that he had already given the territory to the king of Spain. Spain made no objection, however, and the English flag came to the eastern bank of the Mississippi.\* The Spanish divided into two parts what remained of Louisiana

\*The Missouri, Iowa, Osages and Poncas were tribes of Indians along the Missouri and Mississippi rivers.

\*The flag never came west of the Mississippi. Missouri unlike the eastern states, was never under the rulership of England.

—that west of the Mississippi river—and gave the name Upper Louisiana to that which is now Missouri, and the northwest. The capital of the new district was fixed at St. Louis and good St. Ange de Bellerive,|| a Frenchman by birth, became the first commandant.

**7. Indians at Peace**—The Indians were usually friendly to the French settlers. They traded freely with each other and there was little quarreling. Pontiac, “the last great Indian,” a chieftain who united eighteen savage nations to do his will, was a firm friend of St. Ange. Fleeing before the advancing English, after struggling for years against them, Pontiac, walked, unattended, to St. Louis to visit his old friends. He was received with every distinction, entertained at the finest homes and treated royally. Months before he, aided by the French, had defeated near Pittsburg, a British army, commanded by General Braddock and a young Virginian, named George Washington. Pontiac after his last visit to St. Louis returned to Illinois where he was murdered by an Indian hired by an English trader. St. Ange brought the body to St. Louis and buried it near the corner of what is now Fourth and Walnut streets. In the Southern Hotel is a bronze tablet placed there in memory of the brave Pontiac, the faithful friend of the French.

**8. Rule of the Spaniards**—The Spanish held the land in ownership for forty years. Their rule was mild and easy-going. Don Pedro Piernas, the first lieutenant governor, acting subordinate to the governor-general at New Orleans, was a gentle and just man. Of his successors, Cruzat, Tru-

||Louis St. Ange de Bellerive was an excellent official, mild, judicious and liberal. Upon his death, in 1774, he was buried in the Catholic cemetery with every reward of respect. In his will, he commended his soul “to God, the blessed Virgin and the saints of the Celestial Court” and appointed **Laclede** his executor.

deau and De Lassus, followed in his footsteps.\* They kept on good terms with the Indians, treated all men with equal justice before the law, and almost without officers of any kind, maintained in the wilderness a peaceful, prosperous and well administered government. There were no trials by jury. One judge decided all questions at dispute. During the whole Spanish ownership but one murder case was reported in St. Louis.

**9. Building of Towns**—The early settlers held much in common. They built their towns usually on a river, a long street extending parallel to it. There were no farm-houses or separate farms. Each family was given as many acres of land as it could cultivate the land stretching back from the river and the village. In a large field were cattle, hogs and horses—the property of all the village. There were no hotels. Each house was open free to the stranger. The settlements were closely built together for protection and for social intercourse. Holidays were frequent. Games, parties, amusements of all kinds were indulged in by old and young. The houses were built of logs, with puncheon floors and chimneys of stone, wood and plaster. Hunting, fishing, trading in furs, with some agriculture and a little lead mining were the chief occupations.

**10. Conflict With the British**—During the Revolutionary war the British undertook to drive the Spanish from the Mississippi valley. The settlers in Missouri, French subjects of Spain, had little interest in the war of the Revolu-

\*There were six Spanish commandants or lieutenant governors; Pedro Piernas, 1770 to 1775; Francisco Cruzat, 1775 to 1778; Fernando de Leyba, 1778 to 1780; Francisco Cruzat, again 1787 to 1792; Tenom Trudeau, 1792 to 1799; Carlos Dehault De Lassus, 1799 to 1804.



tion except to sympathize with the Colonies. Gen. George Rogers Clarke, of Virginia, had captured British settlements in Illinois and offered to loan his force to defend St. Louis. Fernando De Leyba, the drunken French commander, refused, saying there was no danger. Late in 1780 the British, a few whites and a large body of Indians, attacked the town and were repulsed after some loss of life. DeLeyba, in anger, had turned the cannon of the fort upon some of the inhabitants who had mistaken his orders. This made the people indignant and they requested his removal. He died within the month a suicide.

11. **Immigration and Its Cause**—Notable events during the Spanish rule were few. In 1785, "the year of the great water," floods did damage. In 1788 pirates who had infested the Mississippi river, near Grand Tower, were captured and disposed of. In 1787, the Shawnee and Delaware Indians, moving from the east settled near Ste. Genevieve and Cape Girardeau and were hospitably received and honorably treated. The population of the district grew. In 1770 there were 891 people in Missouri, in 1800 there were 6,068. Of this number, 4,098 were whites, 197 free negroes and 883 slaves. St. Charles nearly equaled St. Louis in population, while Ste. Genevieve exceeded it.\* The later immigration was largely English instead of French. Slave owners, who could not settle in the Northwest Territory, which was free soil, came where the law did not prevail. Other settlers were attracted by the liberal grants of land, the freedom from taxation and the freedom of religion.

\*By the census of 1799 Ste. Genevieve had a population of 949; St. Louis, 925; St. Charles, 875.

## PART II

# MISSOURI AS A TERRITORY

### CHAPTER 1.

#### THE UNITED STATES COMES INTO POSSESSION.

**12. The United States the Owner**—The United States of America in 1803 acquired the title to the territory of Louisiana. That which had at first been Indian lands, then under French, then under Spanish control, passed into the permanent possession of the young American republic. The Louisiana Purchase treaty was the document which gave the title to the United States. How that treaty came to be made and what it contained form an interesting and important chapter in the history of Missouri.

**13. From Spain to France**—In 1763 France had given to Spain all the territory of Louisiana west of the Mississippi river and toward the eastward of the river, the city of New Orleans. Spain had governed the territory wisely but had never colonized it. Louisiana, though Spanish in government, was always French in speech and spirit. Napoleon Bonaparte, in 1800, ruler of France, offered to establish the son-in-law of the king of Spain upon the new throne of Etruria which he was about to set up, provided Spain would give Louisiana back to France. Spain agreed. So on October 1, 1800, a treaty was signed between France and Spain which made France again owner of Louisiana.

**14. Transfer Becomes Known**—It was intended to keep

the transfer a secret. Napoleon was at enmity with England. He feared, if England learned of the transfer, she would send troops from Canada and elsewhere and attack and capture Louisiana. Napoleon had so much at home to occupy him that he could not defend the distant colony. The transfer was not kept a secret, however. It soon became known both to Europe and America. In America the news created much discontent.

**15. Value of the Great River**—The Mississippi river was the water way to the upper Louisiana country, to the Northwest Territory, to Kentucky and Tennessee and to all the valley. It was of the utmost importance to the settlers that the river should be open and free to travel\* and commerce. To have it in hostile hands would be to cripple the trade of the territory. The settlers feared nothing from the weak nation of Spain but they became restless when it was learned that the powerful Napoleon had acquired it. Thomas Jefferson, president of the United States, undertook to settle the question by buying New Orleans and west Florida from France and securing the freedom of the river. To this end, he sent James Monroe, afterwards president, to Paris to act with Robert R. Livingston, then American minister to France, in the purchase.

**16. Buy All Louisiana**—Instead of buying New Orleans and west Florida the commissioners of the United States bought all the Louisiana Territory. Napoleon was in sore need of money. England objected to his ownership of the territory. He needed his soldiers in Europe. He wished to put the United States on friendly terms with France and at the same time, as he thought, injure England, his powerful foe, by creating a great rival across the Atlantic ocean.

He proposed therefore, to sell all Louisiana rather than a part. The American commissioners readily accepted the proposition, agreed to pay \$15,000,000 and the congress of the United States ratified the purchase.

**17. Become American Citizens**—The treaty settled the freedom of the great river. It did more. In one clause of the treaty, written by Napoleon himself, it declared that “the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.” This clause figured to a large extent in the discussion of Missouri’s admission to the Union eighteen years later. The people had been subjects of Spain and France. They were to become citizens of the United States.

**18. Transfer of the Territory**—The formal transfer from France to the United States speedily followed the action of congress. No public transfer of the territory by Spain to France had been made. So the strange spectacle of the territory under three flags in a single day was to be seen. The ceremonies of transfer took place both at New Orleans and St. Louis. At St. Louis the Spanish commandant, Charles Dehault DeLassus, upon behalf of Spain, transferred to Capt. Amos Stoddard, of the United States army, commissioned to represent France, the territory of upper Louisiana and hauled down the Spanish flag forever. For a few hours the flag of France floated upon the breeze again. Then Capt. Stoddard transferred upper Lou.



isiana to the United States, hauled down the tri-color of France and hoisted the stars and stripes. ,

**19. The Louisiana Purchase**—The Louisiana Purchase territory, thus acquired, is over one million square miles in extent. It is the largest tract of land ever transferred in peace by one nation to another. From the Louisiana territory have been made in whole or in part fourteen American states. At the time of the transfer, the district now the State of Missouri contained less than 10,000 white inhabitants. It is now the largest and most populous of all the states brought into the federal union through the purchase.

## CHAPTER II.

### UNDER THE FIRST GOVERNOR.

**20. The First Governor**—The first governor of the new Territory of Louisiana was General James Wilkinson. After Louisiana was ceded to the United States it was divided into the District (within a year called Territory) of Louisiana, which embraced Missouri, Iowa, Arkansas, Minnesota and all the northwest not claimed by Spain, and the Territory of Orleans now the state of Louisiana. The upper territory was attached, for purposes of government, to the territory of Indiana of which William Henry Harrison, afterward president of the United States, was governor. In 1805, upon petition of the inhabitants, the Territory of Louisiana was separated from the Territory of Indiana. On the 4th of July, 1805, James Wilkinson became the first territorial governor.

**21. Territorial Government**—In the petition to congress the inhabitants, through a paper written by 15 men, "chosen by the free men of the district" asked that Louisiana be made a territory of the second class. Congress made Louisiana a territory of the first, or lowest class. Thus was given to the territory a governor, a secretary and two judges, all appointed by the president. These officers constituted the entire territorial government, making, interpreting and executing the laws, subject only to the veto, seldom exercised, of congress. The people did not object to the ter-

\*On the 26th of March, 1804.

territorial classification. They did object, however, to the neglect of congress to pass land laws which were needed.

**22. Confusion in Land Titles**—Great confusion existed in respect to the titles by which the settlers held the land. The Spanish had made grants of land loosely. Even during the period after Louisiana had been transferred by treaty from France and before it had been ceded to the United States, Spain had given much land to settlers. Hence there were disputes concerning the ownership of many farms and village properties. Immigration was checked because nobody wished to buy land when there was doubt as to the title. Congress was slow in passing any law on the subject. Finally, in 1812, congress passed a statute which gave title to the lands to those holding possession. This brought order out of confusion and quieted the unrest among the people. Immigration began again. For a time, under Governor Wilkinson's rule, the territory prospered.

**23. Indicted but Acquitted**—James Wilkinson was not long successful as governor of the territory. He was a brave soldier and the charges against his integrity have never been fully proved. He made enemies, however, of many citizens. While governor he speculated in land, using his official position to promote his private interests. He was indicted for conspiracy with Aaron Burr against the government of the United States. He was acquitted after a searching trial but the people of the territory never forgave him.

**24. Aaron Burr**—The life of Aaron Burr is connected with the history of Missouri because of his association with the first territorial governor. Dr. Joseph Brown, the territorial secretary, was Burr's brother-in-law and Wilkinson was his close friend. Burr was bitterly disappointed at his election as vice-president instead of president

of the United States. At the close of his term he came to the Southwest hoping to enlist sympathy for a project he had conceived to establish a new nation. He relied upon Wilkinson and other friends in the territory to aid him but there is no absolute evidence upon the subject. Wilkinson was the chief witness against Burr and showed by a letter written a year before the overthrow of Burr's plans that he had warned the government at Washington against Burr. Both were acquitted. The charges were not proven.

**25. During the First Years**—Governor Wilkinson was removed from office after having served two years. He had established his first territorial capital in St. Louis. The Fort of Bellefontaine, on the south bank of the Missouri river, a few miles above its mouth, had been built. Exploring expeditions to discover and map and describe the country to the westward had been sent out. With Governor Wilkinson were associated Frederick Bates, afterwards governor, as Secretary, and J. B. C. Lucas, R. J. Meigs and Otho Shrader as judges.

**26. Division of the Territory**—The new territory or district had been divided into four military commands. These were St. Louis, St. Charles, Ste. Genevieve and Cape Girardeau. Upon the organization of the territory and the courts therein the military commandants were superseded by the superior authority instituted, but the names of the commands were held in memory by being bestowed upon the counties. The system of organization begun in 1805 was continued, with changes in the offices, for years.

**27. Whence the Immigration**—The immigration came no longer from France and Spain. From Virginia, Kentucky, Illinois, Indiana, Ohio and Pennsylvania the English-speaking settlers flocked in. They were attracted by the



stories told of the fertile fields, of large room and of freedom. The Spanish and French had sought for rich mines, for fur trading and for adventure. The English looked for agriculture and for homesteads. There was never dispute or quarrel between the races. The few Spanish and the more numerous French mixed readily with the English who soon far out-numbered the pioneers of different blood. The territory was now more than ever American with English habits, English speech and English statutes.

## CHAPTER III.

### LIFE AND LAWS OF THE PEOPLE.

**28. English and French**—The English-speaking pioneer differed from the French pioneer in life as well as in language. In nothing was this difference more manifest than in the building of homes. The Frenchman settled always in villages and his farm, if land largely held in common can be called a farm, came to the very edge of the village. His residence was in the village and he seldom tilled a field so far away that he could not at night join in the amusements of the village. The Englishman, on the contrary, cleared a farm in the wilderness. He located as far from a village as the presence of the Indians would permit. He “never wished to live near enough to hear the bark of his neighbor’s dog.” With the French the village came first and then the farm. With the English, the farm came first and afterward the village.

**29. Homes and Hospitality**—The house of the Englishman was constructed differently from that of his French neighbor. Both were log cabins, sometimes of one room, sometimes of two with a wide open way between. The Frenchman put his logs on end and fastened horizontal slats for walls. The Englishman, however, laid the logs for his house horizontally, notched them together at the ends and filled the spaces between with “chinking” of mud or plaster. Hospitality was the rule. The door of the pioneer

home was made of boards, swung on wooden hinges. It was fastened within by a latch. From the latch a string was hung through an opening in the door. "The latch-string is always on the outside" indicated the open-hearted welcome. The cabins had windows without glass. A shutter or greased paper in a sash was used instead. A "Virginia rail fence" made an enclosure round the cabin. The chimney was partly of stone and a huge fire-place gave warmth.

**30. Food and Clothing**—The food and clothing of the pioneer were products of the land. Bears, deer, turkey and small game were plentiful. Farm and garden furnished vegetables and from the corn came his bread. Skins of wild animals were made into rough but substantial garments and the loom in the cabin furnished homespun clothing. He had little money and little use for money. His wants were few and he could supply them with moderate ease. When he would buy anything at the village he could give lead or peltries. Barter, which is exchange or swapping, was common. "Pins, needles, and coarse sheets of writing paper were used as money." Spanish silver dollars were the coin mostly seen. These were cut into small pieces known as "bits" for change.\*

**31. Life of the Pioneer**—The life was one of hardship and loneliness but of romance. Only men of courage make successful pioneers. Such were the Missourians who laid the foundations of the state. He was in peril of Indian attack. Beasts seized upon his cattle. He had few books and scarcely a newspaper. Schools were rare. Manners were rough. But the pioneer was honest, brave, hospitable. He gave wel-

\*The phrase, "two bits" or 25 cents and "six bits" or 75 cents, originated from this time,

come to every decent stranger. He was industrious, sober, lawabiding. "An amiable and virtuous man" he is said to have been by a New England visitor of high reputation.|| The laws of the new territory were taken from the statute books of the older states. Pennsylvania, Indiana, Virginia and Kentucky gave suggestions to the law-makers. With the coming of the United States trial by jury was introduced.

**32. Provisions for Schools.**—Attention was early paid to provision for schools. The first petition to congress, made September 29, 1805, asked that "funds be appropriated for the support and lands set apart for the building and maintaining of a French and English school in each county and for building of a seminary (or university) of learning where not only the French and English languages but likewise the dead languages, mathematics, natural and moral philosophy and the principles of the constitution of the United States should be taught." In 1812, largely through the labors of Thomas F. Riddick,\* of St. Louis, congress, in confirming Spanish land grants set apart "all lands not rightfully owned or claimed by private individuals" for the support of schools. The earliest Missourians believed in the training of the schoolmaster.

||Rev. Timothy Flint, who travelled in the territory from 1816 to 1820.

\*Riddick was a Virginian by birth and one of the earliest immigrants to Missouri. He was secretary of the board of land commissioners and by virtue of his office, became cognizant of the fact that there was in each of the villages in the territory a number of lots for which no legal owners could be found. At his suggestion the sentence quoted was inserted in the act. So interested was he in the measure that he made the trip on horseback from St. Louis to Washington at his own expense to urge its passage. It was owing to his exertions and those of Edward Hempstead, who then represented the territory in Congress, that it became a law.



**33. Trouble With Indians**—The Indians, who had held the land before the white man came, gave the pioneer trouble. They drove off stock, frightened the settlers and occasionally committed murder. Along the borders of the settlements there was frequent conflict. Pierre Choteau, in 1808, made a treaty with the Osages by which they surrendered their lands east of Fort Clark, which was on the Missouri river 35 miles east of the present Kansas line. This treaty, made with the chiefs of the tribe, was afterward protested against by other chiefs but was finally agreed to. This aided in promoting peace but it was not until 1824, three years after Missouri came into the Union, that the last Indian right was given up by purchase. Even long after that, in 1832, Black Hawk and a small but desperate band threatened in a mad raid northeastern Missouri. It was in this last Indian war on the borders of Missouri that Abraham Lincoln, as captain, and Jefferson Davis, as lieutenant, were engaged.

**34. Daniel Boone**—Famous among the pioneers of Missouri was Daniel Boone. He was a fine type of the brave, hardy, adventurous backwoodsman. He was born in 1732 in Pennsylvania and moved with his family to North Carolina when he was 18 years old. After many adventures with Indians in North Carolina he moved to Kentucky and aided in the settlement of that state. Here his life was spent in hunting, in fighting the Indians, in being captured and in making his escape. He lost, because of defective title, the lands upon which he had settled. The loss disgusted him. Hearing of fertile lands in Missouri, he moved, upon invitation of De Lassis west in 1794, settling in what is now Warren county. In his later years Boone was a justice of the peace under

appointment of the Spanish lieutenant governor. His ignorance of law, however, again lost him the lands upon which he made his home. He neglected to secure the proper signatures to the deeds to the land. After the country became part of the United States the title to a thousand acres was confirmed to him. Boone died on September 26, 1820, at the home of his son, Major Nathan Boone, in St. Charles county, in the first stone house ever built in Missouri.

## CHAPTER IV.

### EXPLORING THE WEST.

**35. Doubting the West**—Many eminent men of this day believed that the republic of the United States would not extend beyond the Alleghany mountains. They thought the western country a wilderness or desert unfit for human habitation. Others believed that the country would be divided into several nations as they thought it impossible for so large a territory, as that from the Atlantic Ocean to Louisiana, to be successful under one government. It was claimed by many that the amount of money, \$15,000,000, paid by the United States for Louisiana was too great. Surely they said, the wild land west of the Mississippi is not worth this sum.

**36. Lewis and Clark**—The Lewis and Clark expedition was sent out by President Jefferson in 1804. It was to make answer to the criticisms and doubts. Meriwether Lewis\* and William Clark, || officers in the United States army,

\*Merriwether Lewis, a native of Charlottesville, Virginia, was born August 18, 1774. His eldest brother was a colonel in Washington's army. He entered the army at the age of 20 years and soon rose to a captaincy. In 1801 he was made secretary to President Thomas Jefferson who said of him that he "Had undaunted courage, was as careful as a father and humane in all his actions." He died October 11, 1809, while on his way to Washington, from the effects of a pistol shot fired by himself. A gray stone monument has been erected in Tennessee upon the wild spot in that state where he died.

||William Clark, originally a Virginian, was born August 1, 1770 and died in St. Louis, after a residence there of over thirty years, in September, 1838. He entered the army at the age of 18 years and soon became lieutenant. He was brave, honest and capa-

were at the head of the expedition. With them was a small party of less than thirty soldiers and servants. They started from St. Louis on May 11, 1804, and went in boat up the Missouri river until they reached what they called the "Gates of the Rocky Mountains," a tremendous cleft in the rocks where the river bursts through. This point is over 1200 miles from St. Louis and it took the explorers over a year to get to it. Making their way across the mountains, they floated down a great river to its mouth. A dense fog hid everything. When it lifted (November 7, 1805) they saw before them the Pacific Ocean. The great river was the Columbia, entered in 1792 from the Pacific by Capt. Robert Gray.

**37. The Expedition Returns**—The next year Lewis and Clark returned to St. Louis, at which place they arrived on September 23, 1806. They had been absent nearly two years and a half and had travelled in all over 8,000 miles, in boats, on horseback and on foot. They were received with much enthusiasm by the people of St. Louis. Their adventures and the accounts of their explorations were heard with eager interest. The entire west joined in the welcome. Congress voted medals of honor to each of the persons who were in the party. Both Lewis and Clark became afterwards governor of the territory of Missouri.

**38. Result of the Expedition**—The result of the expedition was far-reaching. It showed the enormous values of the territory which had been acquired from France. When the extent, unlimited natural wealth and almost

ble, discharging the duties of every office with fidelity. He was the eldest of six brothers, the four eldest of whom were distinguished officers in the Revolutionary War, George Rogers Clark being the most famous.



fabulous wonders of the Far West were described in the reports of the expedition, all criticism of the Louisiana Purchase ceased. The tide of immigration was turned to the new country. But the most important result of the expedition was that it enabled the United States to claim the Oregon territory which Capt. Robert Gray had first entered but which Lewis and Clark first really explored. Few books of travel are so fascinating as the journals of this exploring expedition sent out by Thomas Jefferson.

**39. Expedition of Pike**—The expeditions of exploration under the leadership of Lieutenant, (afterward General) Z. M. Pike were equally important.\* These expeditions in 1805, 1806 and 1807, went first to the sources of the Mississippi and second to the sources of the Arkansas, Platte and Kansas rivers. The journals kept by Lieutenant Pike were published in 1810 and added large information relative to a region that had been to this time almost an unknown land. Pike's Peak, in Colorado, and Pike county in Missouri are named for Lieutenant Pike. For years many people outside of Missouri knew only one county in this state, the county of Pike, and called all Missourians Pikers.

**40. Governor of the Territory**—Meriwether Lewis was appointed by President Jefferson governor of the territory in 1807 and served until 1809. He became involved in financial troubles and while under intense mental depression shot and killed himself. Capt. Lewis had succeeded James Wil-

\*General Pike was born in New Jersey. A soldier he supplemented the deficiencies of his early education by diligent study in camp of Latin, French and mathematics. While leading an expedition against York (now Toronto) in the War of 1812 he was killed by an explosion April 27, 1813.

kinson as governor though in the time between the removal of Wilkinson and the appointment of Lewis, about a year, James Brown and afterward Frederick Bates, secretaries of the territory, filled the office as acting governor.

\*Brown afterward became United States Judge, United States Senator from Louisiana and minister to France. He died at Philadelphia April 7, 1835, at the age of 80 years.

## CHAPTER V.

### THE NEW MADRID EARTHQUAKE.

**41. New Madrid Earthquake**—The New Madrid earthquake began on the night of December 16, 1811. The first shock was the most severe but other shocks followed and for two years the land was not free from the disturbance. The earthquake had its most serious outbreak in the United States in the region around New Madrid, a small town on the Mississippi in southern Missouri. It was general, however, throughout half the world. In South America a city of 10,000 inhabitants was destroyed.

**42. Strange Phenomena**—The earthquake was preceded by strange atmospheric phenomena. These attracted little attention. The people were panic stricken when suddenly in the darkness of the night great chasms opened in the land, the Mississippi river was turned from its course, lakes were formed and other lakes disappeared and the entire surface of the earth was changed. At the second shock the land rose and rolled in waves and a dense purplish vapor which obscured the sun appeared. Vast volumes of sand, lukewarm water and mud were thrown up to great heights. Fissures in the ground, deep and terrible, were made in a moment. For months the shocks continued but none with severity. Since the New Madrid earthquake Missouri has been free from such disturbances.

**43. Effect of Earthquake**—The loss of life from "The Great Shake," as the people called the earthquake, was

small. The country was not thickly populated and the low, log houses were not easily overthrown. There was great damage to farms and other property. Much of the land was covered with water and has only recently been drained for cultivation. Crops and orchards were destroyed. Navigation on the Mississippi became perilous. The pilots could only with difficulty find the new channel. The country wore a melancholy and ruined aspect.

44. **New Madrid Claims**—Congress was asked to give relief to the settlers who had lost so much in the earthquake. It passed laws permitting owners of land in the earthquake district to locate the same amount of land elsewhere. Certificates were given. Many of these certificates were sold at small prices to speculators. Some were forged. The new claims often conflicted with other land claims. The result was in many cases long continued law-suits over land titles. "The New Madrid Claims," as they were called, afforded little relief to the sufferers from the earthquake.



## CHAPTER VI.

### THE GROWTH OF THE TERRITORY.

**45. The Territory of Missouri**—The territory of Louisiana became, in 1812, the territory of Missouri. Before that time the region had been known, in turn, as a part of Louisiana, as the Illinois district, as upper Louisiana, as the district of Louisiana. In 1812 Congress, acting favorably upon the requests of the inhabitants, raised the territory to the third or highest class and called it for its chief river, Missouri. Benjamin Howard was the last governor of the old territory.\* He resigned his office to become a brigadier-general in the United States army. His last act before his resignation was to issue a proclamation calling an election to choose officers of the new territory. Frederick Bates, secretary, acted as Governor until the appointment of William Clark, in 1813.

**46. Organization of the Territory**—The inhabitants of the territory now, for the first time, had direct voice in the affairs of the government. Under the act of Congress, passed June 4, 1812, Missouri territory was organized with a governor, a legislative council and a house of representatives. The governor was appointed by the president of the United States. Each of the five counties which composed

\*Benjamin Howard was born in Virginia about 1760. He died in St. Louis September 18, 1814. In early manhood he moved from Virginia to Kentucky and was a member of congress from 1807 to 1810, when he resigned to become governor of upper Louisiana.

the territory elected members of the house of representatives. The legislative council was composed of nine men selected by the President from a list of eighteen chosen by the house of representatives. The council and house of representatives were the legislative or law-making body. The governor could veto or forbid any law they passed. A delegate to Congress was elected by all the people. He could speak in congress but had no vote.

**47. Five Counties**—Capt. William Clark was the first and only governor of the Territory of Missouri. He served until Missouri was admitted to the federal union as a state. Edward Hempstead was the first delegate to Congress. The five counties in the territory were St. Charles, St. Louis, Ste. Genevieve, Cape Girardeau and New Madrid. The number had grown to 15 when the state came into the union. It is now 114 and the city of St. Louis.

**48. Territorial Legislation**—The territorial legislature passed laws regulating weights and measures, creating county offices, establishing courts and county seats, providing for the punishment of criminals, regulating elections and forbidding Sabbath desecration. In 1816 the legislature passed a law to encourage the “killing of wolves, panthers, and wild cats.” A reward of five dollars was paid for the scalp of any animal killed. The law, with slight modifications, remained for years on the statute books. Among the early acts of the legislature was one to charter the first bank in Missouri—the Bank of St. Louis.

**49. New Population**—The population of the territory steadily increased. In 1810 it was about 20,000. In 1820 it was 66,000. Settlements mainly followed the Missouri river westward. The first large permanent English settlement

was made in the Boon's Lick country,\* in Howard county, in 1810. Here came Capt. Benjamin Cooper, with one hundred families from Madison county, Kentucky, and founded Franklin and other villages.\* Howard—named for Governor Benjamin Howard—soon became "the mother of counties." With the close of the war in 1812 immigration grew larger. The new settlers came for the most part from Virginia, Kentucky, Tennessee and North Carolina.

**50. Agriculture Chief**—The occupation of the settlers was still largely agricultural. They desired homesteads as had the earlier English-speaking pioneers. Lead-mining was engaged upon in southeastern Missouri to a considerable extent. Hunting and trapping were made profitable by some. The country districts grew in larger proportion than the towns. Of the towns St. Louis became and continued to be of the largest size and importance. It remained the capital of the Territory.

**51. First Steamboats**—The coming of the steamboat brought the territory nearer to the outside world. The steamboat, New Orleans, first made the trip from Pittsburg to New Orleans. In 1817 the General Pike, an ungainly craft, landed at St. Louis. It was the first steamboat to ascend the Mississippi river above the mouth of the Ohio. On May 25, 1819, the Independence, after a twelve days' journey from St. Louis, landed at Franklin on the Missouri. Soon steamboats became familiar sights upon the great rivers and commerce increased accordingly.

\*Called by this name because sons of Daniel Boone went here for salt.

||Coles Fort, near the present site of Boonville, was built at this time.

**52. Life of the People**—With increasing population and commerce, schools were established, first private schools and later, after Missouri became a state, public schools. The publication of a newspaper was begun in St. Louis in 1808, the Missouri Gazette, now the St. Louis Republic, the first newspaper west of the Mississippi. The log cabin commenced to give way to a more commodious house of brick or stone. Roads were opened, more postoffices were established, the life in the territory became more like life in older states.

**53. Hard Times**—Business depression followed close upon the tremendous growth. Speculation in land became common. Credit was the rule at the stores. Borrowing was general without thought of the time for payment. Finally the time for payment came. Money was scarce. The banks could not furnish the coin. The result was disastrous in the extreme. Nobody could sell land or farm products to pay debts, because nobody had money to buy. Many failures in business resulted. The Territorial legislature tried to relieve the situation by issuing certificates which were to be used as money, but the courts decided the act of the legislature was unconstitutional. Relief came only after a time of strict economy and slowly.



## CHAPTER VII.

### ASKING ADMISSION AS A STATE.

54. **Would Be a State**—The Territory of Missouri, now grown to more than 70,000 population, asked Congress to be admitted to the union as a state. In 1818, the territorial legislature made request of congress. It was not until August 10, 1821, after long and turbulent struggle in congress, that the president of the United States, James Monroe, upon authority of Congress, issued the proclamation which brought Missouri into the federal union. The contest over the admission was the first occasion in which there had been serious division in congress upon sectional lines. The division grew and deepened until it burst into the flames of the Civil War.

55. **Issues Involved**—The contest hinged upon the admission of Missouri as a slave or free state, that is, a state where slavery would be permitted or forbidden by law. The balance of power between slave and free states had been nearly equal in the congress, there being now 10 free and 9 slave states. Now both Alabama and Missouri applied for admission at the same time. It was argued by the free states, that should both be admitted as slave states the political ascendancy would pass to the slave states and there would be 11 slave and only 10 free states. Alabama was to be slave territory because of a provision in the act by which Georgia ceded it and because of its geographical position. It was insisted that Missouri must come in, if it

came at all, as a free state. In this way would the political balance be undisputed, while slavery would be forbidden in the new state. Alabama was admitted as a slave state without protest and the battle came upon the admission of Missouri.

**56. The Tallmadge Resolution**—The first struggle in Congress was over the Tallmadge resolution forbidding the further introduction of slavery as a condition of Missouri's admission. This was offered by Representative Tallmadge of New York as an amendment to the admission bill and brought on a bitter debate. Upon the one side it was said that congress had the power to prohibit slavery in the territories; to impose any conditions it desired upon territories seeking admission as states; that admission was wholly in the power of congress; and that slavery was a moral, political and commercial evil that should not exist. On the other side, it was argued that the treaty with Napoleon by which the territory was ceded to the United States, guaranteed the inhabitants protection in the possession of their property and that slaves were property. It was argued that congress had no constitutional power to impose conditions as to slavery upon states seeking admission and that it had never done so; that, if imposed, the conditions were of no effect, because a state once admitted to the union could amend its constitution as it desired. It was held that the people of a state had a right to say for themselves whether or not they would permit slavery. It was conceded that Missouri would permit slavery if no restriction was imposed upon its admission.

**57. First Missouri Compromise**—The first "Missouri Compromise" was the result of the long struggle. The Tall-

inadge amendment passed the house but was beaten in the senate. The two houses of Congress could not agree. The senate insisted that Missouri should be left to decide for itself as to slavery, while the house was equally earnest that the territory should not be admitted except as a free state. Congress adjourned without action. Upon reassembling in December, 1819, the situation was made simple by the application of the territory of Maine for admission as a state. If Maine was admitted as a free state and Missouri as a state where slavery was not forbidden, the political balance of power would remain the same. Then came the first Missouri Compromise. It was decided upon motion of Senator J. B. Thomas of Illinois, to admit Maine as a free state, to permit Missouri to settle for itself the question of slavery and to provide that there should be no more slavery north of the southern boundary of Missouri. This provision was afterward declared unconstitutional by the supreme court of the United States. Congress passed, March 2, 1820, the admission bill with the Thomas amendment. It was supposed this ended the struggle and settled Missouri's admission as a state. But not so.

**58. Objections to Missouri Constitution**—Missouri formed a state government accepting the congressional action as final. A state convention met in St. Louis, in June, 1820, and framed a constitution, which was a most excellent document. It permitted slavery to exist but contained one provision, which did not meet the approval of congress and delayed the territory's admission. This provision stipulated that the legislature should enact a law "to prevent free negroes and mulattoes from coming to and settling in the state." It was contended by members of congress from the

north that this provision was in conflict with the clause of the federal constitution which guaranteed to the citizens of each state "the privileges and immunities of citizens in the several states." The members of congress from the south said that the supreme court should pass on the question whether the Missouri constitution was in conflict with the federal constitution, that such action was not necessary or proper by Congress. It was also insisted that it was an absurdity to argue that the laws of one state could decide the qualifications for citizens in other states. Upon the argument the senate voted to admit Missouri and the house voted against admission.

**59. Second Missouri Compromise.**—The second Missouri Compromise, proposed by the eloquent Henry Clay of Kentucky, finally brought agreement between the two houses of Congress and determined favorably the admission of Missouri. The house, upon his motion, agreed to leave the provision for the admission to a committee of 23 members from the House—one from each state—to act jointly with a committee from the senate. This committee reported favorably a resolution admitting Missouri whenever the state legislature passed a Solemn Public Act rejecting the clause in reference to the exclusion of free negroes and mulattoes and that when this had been done, the president should proclaim the admission of the state. The report was adopted by Congress.

**60. Missouri Admitted**—The Solemn Public Act was duly passed by the legislature of Missouri. The act first spoke of the absurdity of the demand of Congress, stated that if any provision of the state constitution was in conflict with the federal constitution it was of itself null and



void; but, "to give to the world the most unequivocal proof of her desire to promote the peace and harmony of the Union" it "solemnly and publicly declared" that no part "of the constitution of this state shall ever be construed to authorize the passage of any law by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the constitution of the United States."\* A copy of the solemn Public Act was sent to President James Monroe. Upon receipt of the Act, President Monroe issued a proclamation, August 10, 1821, declaring Missouri admitted to the Union as a state. After a struggle for admission unparalleled in the history of any state the end had come. Thus August 10 became Missouri Day, the birthday of the State of Missouri.

\*"And, curiously enough, the articles of the constitution enumerated in the act of congress and the resolution of the legislature can not by any human ingenuity be identified with the clauses excluding free negroes!"—Viles.

# PART III

## MISSOURI AS A STATE

### CHAPTER 1.

#### UNDER THE FIRST GOVERNOR.

61. **The First Governor**—The first governor of the new State of Missouri was Alexander McNair.\* State officers had been chosen at an election held on August 28, 1820, though it was not until the year following that the state came formally into the Union. Missouri, therefore, had a state government a year before it was actually a state. The people had selected officers believing that Congress, after the first Missouri Compromise, would certainly at once admit the territory as a state. The delay did not affect the government. Alexander McNair, a native of Pennsylvania, a man of high integrity and wide popularity, was chosen governor, defeating Governor Clark, who had been territorial governor for eight years. William H. Ashley, chief officer of the Missouri Fur Company, was chosen lieutenant-governor. || There were no party lines drawn. The contest was upon personal popularity.

\*McNair and his brother in Pennsylvania agreed that whosoever should defeat the other in a fair fist fight should become the owner of the family homestead. McNair lost and went west. He made St. Louis his home and soon became rich. He was a colonel in the War of 1812 and was widely popular. He died in St. Louis in 1826. In the tax list of St. Louis for 1811 there were assessed 19 "carriages for pleasure." McNair owned one.

||Ashley was a candidate in 1824 and again in 1836 for governor, but was defeated, each time by a majority of less than a thousand votes. He was chosen representative in Congress in 1836.

**62. The First Legislature**—The first legislature was composed of 14 senators and 43 representatives. It met on September 19, 1820, in St. Louis. It formed the new counties. It fixed the state capital at St. Charles until 1826, when it was moved to Jefferson City. It elected three judges of the supreme court and two United States Senators. At its second session, St. Louis, now containing 4,500 inhabitants, was chartered as a town with a mayor and nine aldermen. Governor McNair, in a message to the legislature, urged "the proper employment of the lead mines and the salt springs with which the state abounds" and also urged "the cultivation of tobacco as a means to increase the resources of the State."

**63. The State Capital**—The constitution of the State fixed "the seat of government," that is the state capital, within 40 miles of the mouth of the Osage river. Commissioners were appointed to locate a site. After a weary examination they made a selection of certain lands. Here they were directed by an act of legislature to lay off a town to be called "the City of Jefferson." The new town became the state capital. Since the state government, in 1826, was removed there from St. Charles, it has remained so. At one time a strong movement was made to move the capital to Sedalia but the people at the general election in 1896 voted against doing so.\*

**64. Barton and Benton**—Two United States Senators were chosen by the first legislature. These were David Barton\* and Thomas Hart Benton. || Barton, who was the most

\*But two families resided in Jefferson City when it was selected as the State Capitol. The first Capitol Building, a brick structure costing \$25,000, was accidentally burned November 17, 1837.

\*David Barton was a native of Tennessee, had served as a soldier in the War of 1812, been judge of the circuit court and president of the convention that framed the state constitution. He was of en-

popular man in Missouri, was elected without opposition. The balloting upon the second senator took several days. Barton's chief opponent was Judge J. B. C. Lucas, || father of Charles Lucas, whom Benton had killed some months previous in a duel. Benton was finally chosen though after a personal appeal from Barton that he be selected. One

ergetic personality and great intellectual strength. He was twice elected unanimously to the United States Senate. During his second term he sided with John Quincy Adams against Andrew Jackson. Jackson was a favorite in Missouri and the friendship of Barton for Adams drove him from public life. Senator Barton, toward the close of his life, became insane. He died at the age of 52 years, September 28, 1837, at the home of B. F. Gibson, near Boonville. The state erected a monument to his memory over his grave in Walnut Grove cemetery at Boonville. The old monument thus replaced, now stands on the State University campus in Columbia.

Thomas Hart Benton, the Great Missourian, as he loved to be called, was easily among the greatest, if not the very greatest of all Missouri statesmen. He was born in North Carolina March 14, 1782, and died in Washington, D. C., April 10, 1858. Upon the death of his father, the boy Benton moved to Tennessee. Here he served in the legislature. Immigrating to Missouri he established a newspaper, the Missouri Inquirer, in St. Louis, and began the practice of law. He served thirty years in the United States Senate where his commanding intellect, superb courage, strict integrity, tenacious memory, studious manner and tremendous energy made him a leader, ranking with Clay, Calhoun and Webster. Irascible and egotistic he was involved in various quarrels and duels which caused him much personal sorrow and political opposition. A speech upon the financial question gave him the nickname of "Old Bullion." The so-called Jackson resolutions and his denunciation of them lost him his seat in the senate and his political power—long paramount in Missouri—which he never regained. He supported James Buchanan for president though his son-in-law, General John C. Fremont, was an opposing candidate. His wife, in 1844, suffered a stroke of paralysis which confined her to his home. From that time Benton never went to any place of festivity or amusement. Unlike many public men of his day, he never drank, smoked or gambled, saying that his mother wished it and he adhered to her wishes through life.

||Judge Lucas, a native of Pennsylvania, had held the chief justiceship of the highest court in the District of Louisiana by Jefferson's appointment. He also served as land commissioner, was a man of honor, industry and ability. He died in 1842.



member of the legislature was brought in on a sick-bed to vote for Benton. He died immediately after casting the vote. Barton served two terms in the senate. Benton served for five terms or thirty years, a record long unequalled. He was the great Missourian of the young state and took rank with the strongest statesmen of the republic.

**65. Early Statesmen.** The men foremost in the foundations of the new state bear honored names. John Scott,\* an able lawyer, was the first member of congress. After serving two terms he offended the people by supporting John Quincy Adams for president against Andrew Jackson, who was the popular choice—and was not re-elected. The first supreme judges were Mathias McGirk, John D. Cook and John Rice Jones. All were fine jurists and were chosen without regard to politics. Judge Jones had been president of the legislative council of the territory. He was the first English lawyer in St. Louis. Cook soon resigned. Jones died in 1824, while McGirk remained on the supreme bench until 1841. The first attorney-general was Rufus Easton, || who had been postmaster of St. Louis, delegate in Congress and territorial judge. He did more than any other person to expose the conspiracy of Aaron Burr.

**66. Dueling**—The duel between Joshua Barton and T. C. Rector lent a bitterness to the politics of the day. According to the code of honor, as it was called, any one who

\*John Scott was born in Virginia in 1782, and was of large ability and unblemished integrity. He was the delegate in congress from the Missouri territory for four years and then the first congressman. After retiring from politics he engaged in the practice of law and for forty years was a most successful lawyer, never again entering political life. His home was at Ste. Genevieve.

||Rufus Easton was a native of Connecticut, had been a successful lawyer in New York and, upon becoming a resident of Missouri, soon took rank as its leading lawyer. He died in St. Charles in 1834 at the age of seventy years.

was insulted or thought he was insulted, was required to challenge the person who had insulted him to fight a duel. In an article which appeared in the Republican (newspaper) at St. Louis in June, 1823, William Rector, United States surveyor, was accused of corruption in office, Mr. Rector being absent, his brother, Thomas C. Rector, challenged the author of the article, Joshua Barton, to a duel. Barton, who was a brother of David Barton, United States Senator, was killed in the duel which followed. Ten years before had taken place the Benton-Lucas duel. It was not until in the forties that the wicked and senseless practice of duelling was so strongly condemned by public sentiment as to be entirely abolished.

**67. The Great Seal**—The legislature in 1822 decided upon the state seal which the constitution had directed should be without change. This seal is known as "The Great Seal of the State of Missouri" and is kept in the office of the Secretary of State. It is stamped on all of the state's official documents. The seal contains the noble Latin motto of the state, *Salus Populi Supreme Lex Esto*, which in English means "Let the welfare of the people be the supreme law." It bears the date, 1820,\* and 23 small stars and one large star, Missouri being the 24th state to be admitted to the union. Two grizzly bears are on the shield and the words between "United we stand, divided we fall." The devices or emblems on the center shield are a grizzly bear, a crescent and the arms of the United States.

**68. The Santa Fe Trade**—The Santa Fe trade was at this time a source of great profit. Governor McNair called attention to it in his last message to the legislature. This

\*This was the date that Missouri set up its state government, though it was not formally admitted to the federal union as a state until August 10, 1821.

trade consisted of exchange between Missouri, St. Louis, Franklin, Independence, being the chief starting points, and Santa Fe, New Mexico, of furs, salt and other products of Missouri, for coffee, silver and wool. The goods were first carried across the country on the backs of mules and horses but afterward on wagons. Sometimes one train contained 50 large wagons, called "prairie schooners" and drawn by eight or ten horses, mules or oxen. The road was known as "the Santa Fe Trail." Much of the wealth of early Missourians came from the rich trade of "the Santa Fe Trail."

## CHAPTER II.

### THE ADMINISTRATIONS OF GOVERNORS BATES, WILLIAMS AND MILLER.

69. **Second, Third and Fourth Governors**—The second governor of Missouri was Frederick Bates, former secretary and acting governor of the Missouri territory.\* He was chosen at the election in August, 1824. At the same time Benjamin H. Reeves of Howard county, was chosen lieutenant-governor. Reeves soon resigned his office. After serving less than a year Governor Bates died suddenly August 1, 1825. This brought to the governorship the president pro tem of the State Senate, Abraham J. Williams, of Columbia, a merchant and farmer.|| Governor Williams held the office only a few months—calling a special election to fill the vacancy. To succeed Williams, at the close of an exciting contest, General John Miller, of Cooper county, a hero of the War of 1812, was chosen the fourth governor of Missouri. Governor Miller was re-elected in 1828 and

\*Frederick Bates, born in Virginia in 1777, died August 4, 1825, having served as governor less than a year. He had held office almost uninterruptedly since the age of twenty years. In 1808 he compiled and published the "Laws of the Territory of Louisiana," the first book printed in St. Louis.

||Williams was a bachelor, had a wooden leg and, for years, cobbled shoes. He held only the one office. He died in Columbia, December 30, 1839. He was the only president *pro tem* of the Senate who ever became governor.

||John Miller was colonel in the War of 1812, At Fort Meigs General William Henry Harrison held a council of war to ask the



served seven years, the longest term of any of the state's governors.

**70. Lafayette Visits St. Louis**—The distinguished Marquis de Lafayette, whose services on behalf of the colonists in the Revolutionary war, made him a hero to all Americans, visited the United States in 1825, accompanied by his son, George Washington Lafayette. He was for two days the guest of St. Louis. Seldom has a more enthusiastic reception been given any visitor. His visit was specially welcome in a city which still numbered so many sons of France among its citizens. He was the guest of honor at a splendid banquet in the Mansion House, then the chief hotel. Lafayette was at this time 68 years old and active and strong. Returning to Washington during the session of Congress, he was conveyed to his home in the United States steamer, Brandywine, named for the first battle for American independence in which Lafayette was engaged.

**71.—On Political Lines**—Political parties began to take shape in Missouri in 1828. Some persons preferred John Quincy Adams and Whig policies. Other persons preferred Andrew Jackson and Democratic policies. The friends of Jackson and the friends of Adams each met at Jefferson City and nominated a ticket of three electors, who if successful would cast the state's vote for president. For representative in Congress there were three candidates, one

officers whether they could take the fort. Colonel Miller made the famous reply "I'll try, sir." With 350 Americans against that number of British, he stormed brilliantly the enemies batteries and captured them. Ten months later James Miller made the same reply at Lundy's Lane. Governor Miller was born in Virginia, received only a common school education, edited a newspaper in Ohio and, after the War of 1812, was detailed as an officer in the army at St. Louis. He resigned his colonelcy in 1817 to become register of lands. He died at Florissant, **March 18, 1846.**

Whig and two Democrats. The question was submitted to Senator Benton as to which of the two Democratic candidates should withdraw. He decided that Spencer Pettis should remain a candidate. The other Democrat withdrew. The fact was announced by handbills over the state—as there was no telegraph or telephone and few newspapers—and Pettis and the Jackson electors won. Miller had no opposition for re-election as governor. For lieutenant-governor after a close contest Daniel Dunklin, afterward governor, “the father of the public school system,” was successful.

**72. To Abolish Slavery**—Missouri was a slave state but many citizens wished to bring about the gradual abolition of slavery. A meeting of twenty of the prominent leaders of both political parties, among them Senator Benton, Democrat, and Senator Barton, Whig, was held in 1828 and plans for gradual emancipation or setting free of the slaves was considered. The plan had good chance of success. It was to be held secret until the proper time and then both parties were to unite upon it. Just then, however, the story was published through the state that a fanatical leader of the anti-slavery movement in New York had entertained negroes at his table and that the negroes had gone riding in a carriage with his daughters. The incident created such intense feeling that the members of the conference for gradual emancipation decided it would be impossible to carry out the plans and gave them up.

**73. The First Veto**—The barbarous practice of duelling received a severe blow during this administration. Spencer Pettis, just elected congressman, felt himself insulted by Major Biddle. The two engaged in a duel in which

both were killed. Some months previously the legislature had passed an act forbidding duelling and providing a whipping post as a penalty. Governor Bates vetoed the act taking strong grounds against duelling but disapproving of the whipping post as punishment. This is the first veto by any Missouri governor. Later another act passed the legislature which effectually stamped out duelling.

**74. The Black Hawk War**—In the spring of 1832 the people of the state were much alarmed at the movements of Black Hawk and his Indians who had invaded, with fire and scalping-knife, the unprotected frontier settlements of Illinois. Governor Miller took prompt steps to prevent any Indian invasion of Missouri. Companies of mounted volunteers were raised and held in readiness. Fortunately there was no need of their active operations. Black Hawk was captured in Illinois, his savages scattered by United States troops and the last Indian war upon the frontiers of Missouri came to an end.

## CHAPTER III:

### THE ADMINISTRATIONS OF DUNKLIN AND BOGGS.

**75. Governor Dunklin**—The fifth governor of Missouri was Daniel Dunklin, of Washington county, who because of his ardent friendship for public education has been called the father of the common school system of Missouri.\* He served from 1832 to 1836. He resigned his office a month before the expiration of the term for which he had been chosen in order to accept appointment as surveyor-general of Missouri, Illinois and Arkansas. As surveyor-general he established the boundaries of several Missouri counties. Governor Dunklin was the Jackson or Democratic candidate. Dr. John Bull, of Howard county, afterward elected to Congress, was the anti-Jackson or Whig candidate. Lilburn W. Boggs of Jackson county, was chosen lieutenant-governor.

**76. Railroad Building**—About this time the people of Missouri began serious discussion of railroad building. Railroads had been built in the older states and the citizens of Missouri decided that railroads would be of great benefit to this state. In April, 1836, the first railroad convention was held in St. Louis. Many distinguished Missourians were present. A memorial or petition to Congress was adopted asking aid to the construction of a railroad from

\*Governor Dunklin was born in South Carolina. He served as member of the first constitutional convention. He died August 25, 1844, aged 55 years.



St. Louis to Jackson county—Kansas City was not then in existence—and of a railroad from St. Louis to Lafayette. James S. Rollins, Edward Bates and Hamilton R. Gamble proposed the memorial to Congress, asking that a gift of government land to aid in building the railroads be made. It was, however, not until 1855, nearly twenty years after that a railroad was constructed as far west from St. Louis as Jefferson City and not until many years after that one was constructed entirely across the state.

**77. Widening the Breach**—The Lovejoy incident, in 1833-37, showed the feeling of the people of that day regarding the slavery question. Rev. E. P. Lovejoy, a man of great ability, but small tact, began, upon his return from Princeton College in 1833, the publication of a newspaper devoted to the abolition of slavery. He used language that was very offensive to some of the citizens of St. Louis. After two years' publication, he decided that further stay in St. Louis would be unsafe, so he announced that he would move to Illinois. Citizens who had taken offense at his bitter writings thereupon entered his office, wrecked his type and threw his printing press into the street. In Alton, to which place he moved, citizens of Illinois twice sacked his office and finally shot and killed him. His death angered the people of the north. They were indignant at slaveholders and slavery, though the death of Lovejoy took place in the free state of Illinois and not at the hand of Missouri. Such unfortunate incidents helped to widen the breach between the north and the south and led to the terrible Civil War.

**78. The Platte Purchase**—The Platte Purchase, a most valuable tract of land, was added in 1836 to the State of

Missouri. This tract is of triangular shape and lies between the Missouri river and a line drawn from Kansas City straight to the Iowa boundary. It embraces the counties of Atchison, Andrew, Buchanan, Holt, Nodaway and Platte and is one of the richest sections of the State. Its addition to the state was difficult because Missouri was already one of the largest states in the union, because the land was owned and occupied by the Sac and Fox Indians; and because to add it to this state the Missouri compromise must be altered in relation to slave territory. It will be recalled that by the compromise slavery had been forbidden north of the southern boundary of Missouri. All these difficulties were overcome largely through the personal popularity of Dr. Lewis F. Linn\* and the great ability of Thomas H. Benton, then the United States senators from Missouri. Capt. William Clark, who since his retirement from the office of Territorial governor, had been superintendent of Indian affairs, made a treaty with the Sac and Fox Indians by which for \$7,500 and 400 sections of land in northwestern Kansas, they agreed to sell the Platte district and move west. The land was then made a part of Missouri and is known as the Platte purchase.

**79. Governor Boggs**—Upon the resignation of Daniel Dunklin as governor, the lieutenant-governor, Lilburn W.

\*Many have called Dr. Linn the most popular Missourian. He was born in Kentucky, in 1775, came to Ste. Genevieve in 1816 and soon was the leading physician of that section. His unselfish care for the sick in the cholera epidemic of 1833 made him a popular idol. Upon the death of United States Senator Buckner of cholera in 1833, Governor Dunklin appointed Dr. Linn his successor. He was twice reelected. Upon his death the legislature of three states, Missouri, Wisconsin and Iowa, voted to wear mourning for him. Missouri erected a monument to his memory.

Boggs, succeeded him.\* In 1836 at the general election the voters chose Governor Boggs to serve as governor for a full term. The vote was 60 per cent larger than in 1832. Boggs was the sixth governor of Missouri. His administration was filled with serious disturbance. The courage and promptness with which he dealt with the Mormon troubles won for him the ill will of the fanatical leaders of that sect. In consequence a Mormon shot him after his retirement from office. Fortunately the wound inflicted, though dangerous, did not kill him.

**80. Mormons Cause Trouble**—The Mormons had come to Missouri from New York. Their leader was Joseph Smith, an ignorant and erratic youth, who professed to have revelation from God of a new religion. He claimed to have found plates of gold, with strange writing upon them, which told the early history of America and rules for the guidance of the faithful. From these plates he wrote the Book of Mormon which he said was of equal authority with the Bible. Smith made converts in New York and brought them with him to Missouri where they located at Independence in Jackson county. They called all persons not Mormons, Gentiles and pronounced curses upon them. Wonderful things were promised to all who joined against the Gentiles. Conflicts arose between the Mormons and Gentiles. Each tried to drive out the other. Finally the Gentiles were successful and drove the Mormons north of the Missouri river into Clay, Carroll and Caldwell counties. Here many persons joined them. From the east came con-

\*Governor Boggs was a native of Kentucky, a soldier of the War of 1812 and had been a trader in furs. After serving as governor he moved to California where he held several important positions and where, on March 14, 1860, at Napa, he died.

verts who were prosperous, industrious and peaceful farmers, but with them came also many thieves. The Mormons began to build a great temple at Far West. Frequent conflicts arose between them and their "Gentile" neighbors. Mormons stole from the Gentiles and other Mormons refused to permit their punishment. The people of the state were aroused against the Mormons. ,

**81. The Mormon War**—The first serious trouble was at DeWitt, in Carroll county. This town was on the Missouri river, a landing place for Far West, and prosperous. It was determined by the Gentile citizens to drive out the Mormons from DeWitt. They refused to go and only after a company of soldiers under Congreve Jackson, of Howard county, had assembled near by did the Mormons agree to leave. The Mormons were to pay for all cattle stolen, the Gentiles for the land of the Mormons and the Mormons were to move to the Far West. Even this did not satisfy the people of Missouri. They clamored for the expulsion of the Mormons from the state. They said the Mormons were thieves and law-breakers. Finally Governor Boggs called out troops to enforce the laws. Generals John B. Clark and A. W. Doniphan were in command. The state troops, marching to Far West, were met by a small armed force of Mormons. In the skirmish that followed 18 Mormons were killed, some after they had surrendered. The state troops marched on to Far West where the Mormon leaders surrendered without a battle. They were to give up their leaders for trial and all others were to leave the state.

**82. Mormons Driven Out**—The Mormon leaders were



indicted for murder, robbery and other crimes. Joseph Smith and P. P. Pratt escaped by bribing the guard. The others were tried and acquitted. General Doniphan was their lawyer. The Mormons went first from Missouri to Illinois where they began another great temple. Here they became involved in trouble as in Missouri. Joseph Smith was killed by a mob. Brigham Young was elected his successor and the people of Illinois drove them from their state and they removed to Utah, then a wilderness, where they have become numerous, prosperous and powerful. Their removal to the number of about 5000 from Missouri was accompanied by much distress. A few remained, withdrew from the majority, organized the church of Latter Day Saints which denounces polygamy. This church has a number of congregations in Missouri.

**83. Seminole War**—The Seminole War in 1837 was largely fought by volunteers from Missouri. The Seminole Indians in Florida proved too much for the regular army of the United States and President Jackson asked Senator Benton if some Missourians would go to fight the Indians. Senator Benton said Missourians would go wherever their services were needed. Missouri was the only state asked for volunteers. Col. Richard Gentry, of Columbia, raised a thousand volunteers, fought bravely at Okeechobee in Florida on Christmas day, 1837, and was killed while gallantly leading his regiment.\* The Seminoles were subdued and the Missouri volunteers, being no longer needed, returned home in 1838.

**84. Panic of 1837**—“The panic of 1837” was felt in

\*The widow of Colonel Gentry was appointed postmistress at Columbia—the first woman to hold this office in the United States.

Missouri though not as seriously as in the older states. The panic was a period of business depression or hard times. There was a scarcity of money, confidence was at a low ebb, farm products could not be sold at fair prices. Banks failed and many persons could not pay what they owned. It took this country several years to recover from the financial distress.

**85. State University**—In 1839 Missouri took the final step towards the location and establishment of a State University or “seminary of learning.” Several counties contested for the location but the commissioners who had been selected to decide chose Columbia in Boone county. The people of Boone county, though numbering but a few hundreds, gave \$117,500 to secure the location in Columbia of the University. One man (Edward Camplin) who could not read or write gave \$3,000. The corner-stone of the first University building was laid on July 4, 1839.

## CHAPTER IV.

### THE ADMINISTRATIONS OF REYNOLDS AND MARMADUKE.

86. **Campaign of 1840**—The presidential campaign of 1840 attracted unusual interest. The Whig candidate was General William Henry Harrison, who had been governor of Indiana Territory when it included Missouri. He was called "the hero of Tippecanoe." The Democratic candidate was Martin Van Buren. The campaign was known as the "log cabin, coon and hard cider campaign." At the monster political meetings which were held the Whigs displayed miniature log-cabins, real coons and hard cider. The Democrats, followers of Andrew Jackson, "Old Hickory," had hickory boughs and game-cocks for political emblems. Van Buren was voted for by Missouri but Harrison was elected.

87. **Governor Reynolds**—The campaign in Missouri was a stirring one. The Whigs had never been so active. The enthusiasm of the national contest was felt through the state. In addition the Whig candidate for governor, Gen. John B. Clark, of Howard county, was one of the most persuasive political orators.\* His opponent was also a res-

\*Gen. John B. Clark, a native of Kentucky, was one of the most successful of Missouri lawyers, particularly as an advocate before juries. He commanded a regiment of Missouri volunteer cavalry in the Black Hawk war and was commissioned a major-general. He was a member of congress two years withdrawing to join the Confederate army in which he was brigadier-general. Disabled at the

ident of Howard county, Thomas Reynolds, a lawyer of fine ability, who had been a supreme judge in Illinois before he came to reside in Missouri. || Reynolds was successful. As lieutenant-governor Meredith M. Marmaduke of Saline county, was elected. On February 9, 1844, Governor Reynolds, while suffering from insanity caused by domestic troubles, killed himself in his office at the capitol. Lieutenant-governor Marmaduke served the remainder of the term.

**88. Issues of the Campaign**—The political campaign had for chief issue the hard times or business depression brought about by the panic of 1837. The Whigs claimed that this depression was due to the refusal of Andrew Jackson, the Democratic president, to permit the continuance of the United States Bank. The Democrats claimed that the action of President Jackson did not cause the panic, but that it was brought about naturally by other causes, notably wild speculation and extravagance. The people of Missouri had believed in "hard money," that is gold and silver and as the Democratic party was then the special advocate of hard money, they supported it.

**89. Imprisonment for Debt**—Governor Reynolds

battle of Wilson's Creek, he was elected to the first confederate congress and afterwards senator. At the close of the war he resumed his law practice in Fayette where he died April 17, 1892.

|| Reynolds had served as a member of the general assembly, speaker of the house of representatives, and circuit judge. The morning of his suicide he, for the first time in his life, asked divine blessing at the breakfast table. He left a note in which he said that "the abuse and slander of his enemies" had rendered life a burden to himself and prayed God to "forgive them and teach them more charity."

\*Governor Marmaduke died March 26, 1864. His son, John Sappington Marmaduke, was chosen in 1864, the 25th governor. This is the only instance where father and son have been governors of Missouri.



brought about the abolition in Missouri of imprisonment for debt. The act of the legislature which he wrote was one of the shortest ever made a law. It read: "Imprisonment for debt is hereby forever abolished." The old laws were hard on debtors. A creditor could have all the property of a debtor except \$100 worth and then throw him in jail depriving his family of the benefit of his toil. The law was usually invoked by the cruel and grasping creditors and was a special hardship upon the poor. No matter how small a debt a man owed or how willing and anxious he was to pay it an unmerciful creditor could send a sheriff and place him in jail. The same law existed in nearly all the older states. Missouri, thanks to Governor Reynolds, was one of the first to abolish it.

**90. The Honey War**—In 1840, the boundary line between Iowa and Missouri was finally settled. There had been difference of opinion between the officers in the two states as to the ownership of a strip of land about 20 miles wide. Instead of pursuing a sensible policy and seeking to settle the difference by law, each state undertook to enforce its authority on the disputed strip. Finally troops were called out by both states. It looked like there would be war. The tract of land, mostly covered by forest, was noted for wild bees and the dispute was called "The Honey War." Seeing the folly of fighting, it was agreed by both sides to stop war preparations until the national government could settle the boundary line. This was done. Each side was given part of the disputed strip and "the Honey War" ended.\*

**91. Muster Day**—Muster Day, which had been the

\*The boundary line is now marked by iron posts ten miles apart.

great day in Missouri counties for twenty years, began to pass away about this time. The legislature, in 1825 had enacted a militia law, by which all men between 18 and 45 years were enrolled as state soldiers. All men of between these ages can be called on now for military service but the law was different in other ways. Under the old law all of military age were required to assemble on the first Sunday in April, organize into companies, elect officers, and be drilled. This was "Muster Day" which soon came to be the great day in the county. In May and October were other drills. Gorgeous uniforms were worn. The honor of election as militia officers was highly regarded. On Muster Day all the people came together as for a great picnic. Civil officers, preachers, teachers, millers and students were excused from military service. Preachers could serve as chaplains.

**92. Flood of 1844.** In 1844 the snows of the Rocky mountains and the excessive spring rains caused an unusual amount of water to come down the Missouri river. The result was "the flood of 1844." Never before and never since has the Missouri river been so far out its banks. Much damage was done to growing crops, to farm lands and to orchards. Some small towns were washed away. Numerous lives were lost. There was great distress caused by the high water overflowing the Illinois towns opposite St. Louis. It was the middle of July before the water began to fall.

## CHAPTER V.

### THE ADMINISTRATIONS OF EDWARDS AND KING.

**93. Governor Edwards**—John Cummings Edwards, of Cole county, the ninth governor of Missouri, defeated Charles H. Allen, supported by the Whigs and Independents. Edwards was the candidate of the faction of the democratic party which favored “hard” money, gold and silver, and wished the re-election of Benton to the United States Senate. These Democrats were called “Hards.” The “Softs” were Democrats who favored a large issue of paper money and were opposed to Benton’s re-election. Edwards was inaugurated November 20, 1844.\* James Young of Lafayette county, was lieutenant governor.

**94. New Constitution**—Delegates chosen at the general election in 1844 framed, in convention in 1845, a new constitution for the state. The constitution was an excellent instrument but was rejected by the people at the polls in 1846, by a majority of 9000. The rejection was largely the result of the opposition of William Campbell and his newspaper, the New Era of St. Louis. Mr. Campbell was opposed to the section of the constitution which changed the

\*Upon retiring from office Governor Edwards recommended an increase in the salary of governor, stating that even with that increase the office was not a desirable one. He made a sharp reply to the legislature when some executive expenses were inquired about. He was a Kentuckian by birth, practiced law but preferred farming. He died in Stockton, California, September 14, 1888, at the age of 82 years.

plan of the choice of supreme judges from appointment by the governor to election by the people. Though they rejected the new constitution the people at the next election ratified an amendment to the old constitution, making the supreme judges elective. Missouri had no new constitution until 1865, the first constitution remaining in force over 40 years.

**95. Annexation of Texas**—The annexation of Texas to the United States, which was effected by congress in 1846, was of special interest to Missouri. Texas had been largely settled by Missourians. Missourians, without authority from state or nation, had aided in establishing the Republic of Texas and winning freedom from Mexico. On May 13, 1846, congress announced, following the statement by Mexico that the annexation of Texas by the United States was the same as declaration of war—that a war had been begun with Mexico. Immediately Governor Edwards called for volunteers to join the "Army of the West," which under the command of Gen. Stephen Kearney, of Missouri, was about to march against Santa Fe and Northern Mexico. Quick was the response. Mounted volunteers quickly enlisted to the number of 1,000. Alexander W. Doniphan was chosen colonel and the expedition began its long march.\*

**96. Doniphan's Expedition**—The expedition is called for its wise, prudent and gallant colonel, Doniphan's Expedition. Never in the history of the human race has been

\*Col. Doniphan was born in Kentucky where his father, a soldier in the Revolutionary War, taught that state's first school. Liberally educated, he was for years one of the most eminent lawyers in Missouri. He was six feet four inches tall and of great personal influence. He served and took part in the convention of 1860, where he was a vigorous supporter of union. He died at Richmond, August 8, 1887, aged 79 years.



made so bold an invasion, by so small a body of men, into the heart of an enemy's country, thus far from the base of supplies. Cut off from all support, traveling over desert sands for days, 3,000 miles from home, they never made complaint. Santa Fe was reached in fifty days and was captured without a struggle, the Mexican governor yielding possession as result of a bribe. General Kearney issued a proclamation declaring the city and the region round about to be now territory of the United States. He appointed officers, ordered a code of laws drawn and then started to invade California. The day after his departure Col. Sterling Price, who had resigned his seat in Congress to enlist in the army, arrived in Santa Fe at the head of a thousand Missourians.

**97. The March to Mexico**—Doniphan advanced toward central Mexico with 800 men. At Brazito they had their first encounter with the Mexicans, who were 1100 in number. "The Mexican general summons your commander to appear before him," was the impudent message which the Mexicans, under cover of a black flag, delivered to Col. Doniphan. "Come and take him," was the terse reply of the Missourian. The Mexican envoy reported to his leader. There was a trumpet blast and the Mexican troops charged. The Missourians waited until the Mexicans came within 60 paces. Then they fired upon and charged the foe. The Mexican general and 60 of his men were killed, a number made prisoners or wounded and the others fled. Eight of Doniphan's little band were wounded. None were killed.

**98. Principal Battle**—The principal conflict in which the Missourians were engaged was in the Sacramento Pass,

near the city of Chihuahua, February 28, 1847. Doniphan had but 924 men. The Mexicans numbered 5,000 and were strongly intrenched. "How do you hope to win?" was the inquiry of an officer. Doniphan gave him a look of surprise and said: "Why, we are Missourians." The officer saluted and was silent. The battle lasted three hours and ended in a complete triumph for the Doniphan troops. Only one American was killed. The Mexicans lost 304 killed, 40 prisoners and 500 wounded and captured. The next day Col. Doniphan took possession of the city of Chihuahua, the object of the long march. His little band of brave soldiers returned by way of the Gulf of Mexico and the Mississippi river to Missouri where they were mustered out of service.

99. **Other Missourians in the War**—Colonel Sterling Price,\* while in command at Santa Fe, was called upon to put down a dangerous revolt against the American authority. At Granada, New Mexico, and again at the strongly fortified town of Tas in January and February, 1847, he fought desperate battles with much larger armies than his. Each time he was successful. This ended for a time the original revolt. Colonel Price and his Missourians were frequently called upon, however, later to maintain order. It

\*Sterling Price, called by his soldiers affectionately "Old Pap Price," became governor in 1853, having served a term in Congress. In 1861 he was chosen chairman of the state convention, leaving the convention to enter the war where he served gallantly as a confederate general during the four years. After the surrender of the southern armies he went to Mexico whence he returned in 1866 to Missouri. He died on the 29th day of September, 1867, in St. Louis, aged 59 years. General Price was of marked ability as a soldier and citizen. He was a native of Virginia and for years was a merchant and hotel keeper at Keytesville. No man, except possibly Lee and Jackson, more endeared himself to the people of the south by brilliant services during the civil war.

was through the brilliant services of Kearney, Doniphan, and Price, all Missourians, and their Missouri troops that New Mexico became a part of the United States. The Mexican War soon ended and the treaty of peace confirmed to this republic what the valor of the soldiers of Missouri had won.

**100. Governor King**—In 1848, Austin A. King, of Ray county, the Democratic candidate, was elected the tenth governor of Missouri.\* He defeated the Whig nominee James S. Rollins, of Boone county. The vote of the state was at this election over 83,000. The population, at the state census in 1845, was 511,000, an increase of about one-third in five years. Missouri was rapidly becoming one of the more populous states of the Union. With King, was elected, as lieutenant-governor, Thomas L. Price, a Benton Democrat, of Cole county.

**101. The Jackson Resolutions**—The so-called Jackson resolutions stirred the state in 1849. Slavery, never to be settled until it was abolished in the United States, became again a burning issue. All of the new territory of New Mex-

\*Governor King was a lawyer, had served in the legislature from Boone county and afterward moved to Ray county. Here he was circuit judge when he was elected governor. He was a vigorous opponent of secession and in 1862 was elected by the Union party to congress where he served two years. He died April 22, 1870, aged 69 years. He was a native of Tennessee.

||Major James S. Rollins has been called "the father of the State University," so large service did he render that institution as legislator, curator and citizen. He was a lawyer, an eloquent orator, served with distinction in the general assembly and in congress and was twice his party's candidate for governor, losing the election the second time by only 231 votes. He was the author of the bill for the construction of a railroad from the Missouri river to the Pacific coast. Though a large slave owner, he voted to abolish slavery. He died in 1889 at his home in Columbia, aged 76 years. Few Missourians have exercised wider or more important influence.



ico and part of California lay south of the southern boundary of Missouri, north of which boundary slavery was not to be permitted under the Missouri Compromise. Should slavery then be permitted in New Mexico and southern California Slavery had never existed there. The North contended it should not be. The South insisted it should be. Many Missourians said the question should be left to the decision of the territories. It was the sentiment of these Missourians which the Jackson resolutions expressed.

**102. What the Resolutions Said**—The resolutions were called the Jackson resolutions because they were presented in the Missouri senate by a committee of which Claiborne F. Jackson, afterward governor, was chairman.\* The resolutions were adopted by large majorities in both senate and house of representatives. The resolutions expressed the opinion that congress had no power to make laws on the subject of slavery, that citizens of any state should be permitted to enter any territory with their property which included slaves, that no action of the northern states had released the southern states from the Missouri Compromise, but for the sake of harmony and the union, it would be best to hold to the principles of the Compromise, that the right to prohibit slavery in any territory belonged exclusively to the inhabitants of the territory and that if congress passed any act in conflict with these principles "Missouri will cooperate with the slave-holding states for our mutual protection against the encroachments of northern fanaticism." The sixth resolution instructed Benton and Atchison, United States senators from Missouri, to vote in ac-

\*The author of the resolutions was William B. Napton, of Saline county, afterwards member of the Supreme court. ,



cordance with these resolutions. Atchison so voted but Benton refused and appealed to the people.\*

**103. Benton's Position**—In the campaign that followed, Benton, who never compromised and never retreated, made a powerful struggle for the endorsement of the state. He claimed slavery was an "incurable evil" and its extension should not be permitted. He called the Jackson resolutions treasonable and vigorously denounced their authors. Some Missourians who were as much opposed as Benton was to slavery yet agreed with the sentiment of the resolutions, that it was a matter which each territory should settle for itself. Benton declined to accept this doctrine. He gave the resolutions a meaning which few or none who supported them believed was the proper meaning. He said they meant "disunion and secession." The Democrats were divided upon the issue of Benton's re-election. When the general assembly met he was beaten. After 30 years of political power, during most of which time he had been absolute autocrat of the politics of the state, he was defeated. Henry S. Geyer, a Whig, was his successor. Benton never regained his political power. He was elected to the federal house of representatives one time but held no other office.

**104. Internal Improvements**—During this period the state began a liberal policy of internal improvements. The same legislature which passed the Jackson resolutions authorized the construction of the Missouri Pacific Railroad and gave it aid. Construction began in July, 1850. Soon the other railroads asked aid from the State treasury. The St. Louis and San Francisco, the Iron Mountain, the North

\*David R. Atchison, born in Frogtown, Kentucky, in 1807, served as United States Senator for twelve years. He was president *pro tem* of the senate and prominent in the Kansas-Nebraska legislation

Missouri (or Wabash), the Hannibal & St. Joseph and other railroads were aided. Over \$23,000,000 in state bonds and about 1,800,000 acres of land were given these roads. The interest on the bonds which the railroads agreed to pay was never paid.

## CHAPTER VI.

### THE ADMINISTRATIONS OF PRICE, POLK AND STEWART.

**105. Governor Price**—The eleventh governor of Missouri, Sterling Price, afterwards general of the Confederate army, was chosen at the election of 1856. Price was a Democrat. His Whig opponent was James Winston, of Benton county, a grandson of Patrick Henry. Wilson Brown, of Cape Girardeau county, was elected lieutenant-governor.

**106. Jackson Resolutions on Issues**—The discussions in the legislature and throughout the state upon the subject of slavery grew more bitter. The Jackson resolutions had not been forgotten. They were attacked by the Whigs and the anti-slavery Democrats and defended by the pro-slavery Democrats and by those Independents who held to the theory that slavery was a question for each state or territory to settle for itself. The Jackson resolutions were made an issue in every political contest and in nearly every legislative discussion. The shadow of the coming terrible civil war seemed to have been cast upon the state.

**107. Kansas-Nebraska Trouble**—The discussion was made more intense by the trouble which came over the admission of the territory of Kansas to the Union as a state. The Missouri Compromise had not been repealed by congress. Some persons held that it had been virtually set aside, however, when Congress in 1854, passed a law admit-

ting Kansas and Nebraska as states and giving to the settlers of each territory the right to say whether the new state should be free soil or slave soil. This was called "squatter sovereignty". Here began the border troubles between Missouri and Kansas which resulted in so much outrage, bloodshed and murder.

**108. Kansas Settlement**—It was concluded that Nebraska would be a free soil state. Kansas was the western neighbor of Missouri. It was partly settled at first by Missourians. Missourians generally felt that Kansas should be a slave soil state. Therefore they took prompt measures to help the Kansans to decide the question. Missourians in numbers moved into the territory of Kansas. Some went to make their homes. Others went merely to vote at the election which was to decide the question of slavery. The opponents of slavery were not idle. They, too, sent settlers into Kansas to influence the decision. These came largely from Massachusetts, where societies were organized to send men to Kansas. The bands sent appeared more like armed troops than actual settlers. The friends and foes of slavery were soon engaged in conflicts.

**109. Border Warfare**—The Massachusetts emigrant aid societies were met by the organization of Blue Lodges on the western border of Missouri. Neither side was careful as to the methods. The first election resulted in a victory for the slave soil party.|| The election was declared illegal because it was said that men had voted who had no right to vote. Another election was held at which the free soil party won. Then Kansas came into the Union as a free state. The contest between the two parties was so



fierce that it soon became actual civil war. John Brown was one of the noted leaders of the free soil party. He went to Kansas with his sons and organized a band of armed men to bring Kansas in as a free state. In a battle with pro-slavery men at Ossawatimie, Kansas, several were killed. Brown and his sons were accused later of murder and compelled to flee from the territory.\*

**110. Terrible Result**—The civil strife was an excuse for horsethieves and evil doers of all kinds. Many on both sides were honest advocates of their cause. Others were scoundrels using the cause as a pretext for their villainy. The outlaws of the free soil men were called Jayhawkers. The outlaws of the slave soil men were called border ruffians or guerillas. Jayhawker is still a nickname for a Kansan, but it has lost the sting that it had during the border warfare. The outrages committed were numerous and without excuse. "Houses were burned, stock driven away and people murdered. Every person who had a grudge against another took advantage of the distracted times to satisfy it." This terrible state of affairs continued until and during the civil war. In 1860 the desperate James Montgomery led a band of Jayhawkers into Missouri, broke up a United States court, drove away its officers and killed a peaceful citizen. Governor Stewart sent 650 militia under General D. M. Frost to protect the border but found the United States troops had arrived first. Montgomery and his band fled. The memory of these awful days is yet bitter to Missourians.

\*Brown was convicted of treason and hanged in Virginia, December 16, 1859. He had previously attacked and captured the United States arsenal at Harpers' Ferry with a view to organizing a revolt of slaves against their masters in Virginia.

**111. Governor Polk**—The twelfth governor of Missouri was chosen at the election in 1856. Three candidates were voted for: Trusten Polk, Democrat; Robert C. Ewing, American or Know Nothing; and Thomas H. Benton, Independent. Polk was elected.\* Two years before the legislature had voted for days and not elected a United States Senator. The legislature chosen in 1856 elected James S. Green,|| an eloquent orator, “the whirlwind of secession.” Hancock Jackson of Randolph county was elected lieutenant-governor at the same time that Trusten Polk was chosen governor.\* Polk resigned his office to accept the United States senatorship to which the legislature chose him. Jackson, the lieutenant-governor, succeeded him and was the 13th governor of Missouri.

**112. Governor Stewart**—In 1856 the state elected Robert M. Stewart, the builder of the Hannibal & St. Joseph railroad, governor. || The contest was one of the hardest fought in the political history of Missouri. Stewart was a

\*Trusten Polk as a youth wished for the ministry, but was persuaded to study law in the practice of which profession he won distinction. He was expelled from the senate in 1861 because he had joined the confederate army. He was born in Delaware May 29, 1811 and died suddenly on Easter morning, April 16, 1876, in St. Louis.

||Green was among the state's most brilliant debaters. He had just been elected representative when chosen senator. Green was born in Virginia, February 28, 1817, and died in St. Louis January 9, 1872. He was defeated for reelection in 1861 by Waldo P. Johnson, because he was thought to favor secession. Yet Green did not raise his voice for the south, while Johnson resigned his seat in the senate to enter the confederate army.

\*Jackson served only until August, 1856, less than a year, when at a special election Robert M. Stewart was chosen his successor. Governor Jackson was a candidate for governor on the Breckinridge ticket in 1860, but was beaten. He died in Salem, Oregon, March 19, 1876.

||Governor Stewart was a bachelor, a man of indomitable energy, though crippled by rheumatism. He served in the constitutional con-

Democrat. He defeated his Whig opponent, James S. Rollins, of Boone county, only 231 votes. Under Stewart's administration the Kansas border troubles continued. The building of new railroads and of plank roads was aided. The state was prosperous. Yet the shadow of the coming civil strife appeared to deepen.

**113. The Dred Scott Decision**—The famous "Dred Scott decision" was rendered by the United States Supreme Court in 1857. Dred Scott was a negro slave in St. Louis. He was taken by his master, a surgeon in the United States army to Illinois and afterwards to Minnesota where he resided with his master several years. Finally he was brought back to St. Louis. Here he sued for his freedom on the ground of involuntary residence in a free state and territory for several years. The local court in Missouri decided in his favor. The United States supreme court decided against him. It was in this decision made by Chief Justice Roger B. Taney that the Missouri Compromise was held to be "unconstitutional; null and void." The decision alarmed the opponents of slavery and made even more bitter the feeling between north and south.

**114. The Growth of The State**—Missouri had grown largely in the last few years. It had risen in the ten years from 1850 to 1860 from the 13th to 8th in rank of the states of the union. Manufacturing had increased but agriculture continued to be the chief support of the people. The coming of the railroads had brought better markets. Geological surveys had shown how great was the mineral wealth. Over half a million settlers had come to the state in the last ten

vention of 1845 and in the state senate before his election as governor. After leaving the office of governor, he became editor of the St. Joseph Journal. He was born in New York. He died in St. Joseph, September 25, 1871.



years to make homes. Among these were many Irish and German, the first foreign settlers in Missouri in any numbers. The Germans now numbered 88,000 and the Irish 43,000. A potato famine in Ireland and civil war in Germany had driven many of their population to seek homes across the waters. The foreign immigrants were strong, intelligent and thrifty and aided in making the great future of Missouri. With the growth of commerce and manufacture and the increase of means of transportation Missouri had lost entirely its pioneer traits. It was no longer on the frontier.

**114. Political Parties**—After the election in 1860 the Republican party made its first appearance in Missouri politics. James Gardenhire was the first Republican nominee for governor. Claiborne F. Jackson, of Saline county, was the Democratic candidate, while Sample Orr was the American or "Know Nothing" party. Jackson was elected. The Democratic party split upon the national ticket. The faction opposed to secession and to the interference of the federal government with state affairs, nominated Stephen A. Douglass, of Illinois, for president. John C. Breckenridge, of Kentucky, was the nominee of the states rights faction. Douglass carried Missouri by less than 500 votes. The Republican candidate for president, Abraham Lincoln, was elected.

\*Claiborne F. Jackson had emigrated to Missouri from Kentucky in 1822 and had served as captain of a company in the Black Hawk War. He was twelve years a member of the legislature, one term speaker, was one of the originators of the Missouri banking system. Sympathizing with the south, he sought to draw Missouri into secession. Thus feeling, he left the office of governor to join the Confederate army as brigadier general. He died at Little Rock, Arkansas, December 6, 1862, aged 55 years.

Thomas C. Reynolds succeeded him as governor, disputing the right of Gamble to serve. Reynolds appointed members from Missouri to the Confederate congress, but exercised little real authority.



## CHAPTER VII.

### THE STATE DECIDES AGAINST SECESSION

**115. Convention Called**—We will call a convention. This was the decision of the legislature of Missouri when it met in December, 1860. We will let that convention decide what is best. But so that there may be no rash action we will say in the call for the convention that any act which changes the relations of Missouri with the government of the United States must be adopted by a majority of the voters before it is decided. This was done and the convention was called. Nearly every member of the legislature voted to call it. Those who believed in secession thought the state would certainly decide for secession. Other men were doubtful.

**116. Secession or Not**—The old party lines had been largely wiped out in the new and strange issues. Men did not talk so much about slavery. All minor questions were laid aside. The union was the chief topic. There were three parties on the new issues. One was the Secessionists. They believed that separation had been brought about by the acts of the north and the acts of the south. Then it is Missouri's duty they said to go with her kinspeople of the south. The second party was extreme against secession. They declared that they were for the union no matter what any state did. This party was called Unconditional Union. Between these two extreme views was that held by the third

party, the Conditional Union. They were for the union if the United States did not use force to bring back the seceding states. They plead for the union, were opposed to secession, but were equally opposed to coercion of the south. The Missouri Republican, then edited by the able Nathaniel Paschall, lent the weight of its great influence to the Conditional Unionists.

**117. Majority for Union**—The Unionists won. At the election on February 18, 1861, for members of the convention, not a single Secessionist was chosen. Of the 99 members fourfifths were Conditional Unionists and the others unconditionally for the Union. Few stronger bodies of men have assembled in Missouri. To it the people had sent some of their ablest representatives. What it would do upon the important questions of the hour was of deep interest. That it would declare against secession was known before the convention met. The majority for union at the election had been 80,000.

**118. Missouri Declines to Secede**—The convention was not slow in making known its views. It assembled on the 28th of February, 1861, at Jefferson City. Sterling Price, former governor and afterward confederate general, was chosen president. He was a Conditional Unionist. Soon after organization the convention adjourned to meet in St. Louis on March 4. Its members had been chosen on the day that Jefferson Davis was inaugurated president of the Confederate States. It was in St. Louis on the day that Abraham Lincoln was inaugurated president of the United States. On the 9th of March it adopted resolutions submitted by a committee of which Hamilton R. Gamble,\* after-

\*Hamilton R. Gamble, the war-governor, was born in Virginia in 1798. In St. Louis, where he came as a young man, he took rank

wards governor, was chairman, declaring that secession by Missouri was not demanded. "The true position," said the report, "for Missouri to assume is that of a state whose interests are bound up in the maintenance of the Union and whose kind feelings and strong sympathies are with the people of the southern states with whom we are connected by the ties of friendship and blood." Thus Missouri declared it would remain in the union.

**119. Opposed to War**—The state was not ready, however, to say it would "furnish men or money to aid the federal government in forcing the seceding states back into the Union." The convention declared if such force was used, it meant war and "earnestly entreated" both sides to stay "the hand of war." Let us settle the differences like brothers should do. But if Congress and the president decide for force then would Missouri, remaining in the Union, refuse to give aid? The convention debated this question with vigor. Men were opposed to the use of force who afterwards advocated and employed it. Men's views were quickly changed by the rapid march of great events. But the convention refused to say it would not favor the use of force and stopped at that.

**120. Convention Adjourns**—The convention on the 22nd of March, 1861, adjourned. It appointed an executive committee with power to call it together at any time. This committee did call the convention together and it remained in existence until 1864. Of its original membership

as one of the ablest lawyers. After a time in the legislature he held the position of chief justice of the Supreme court. He opposed secession, thought unconstitutional the proclamation of President Lincoln calling for troops and strongly favored emancipation. He was one of the great figures of civil war days.

53 were natives of Virginia and Kentucky and 13 were from the north. The action of the convention reflected the wishes of the majority of the people of Missouri, who were at this time opposed to secession and equally opposed to war between the states.

121. **Against Secession**—Other incidents showed the public sentiment. Early in January a commissioner from Mississippi addressing the legislature asked that body to join with that state in adopting "efficient measures" for "the common defense and safety of the slave holding states." No action was taken by the legislature in response. Later in January delegates were named by the legislature to a national "peace conference" at Washington of which former President John Tyler was chairman but which accomplished nothing. A commissioner from Georgia appeared before the state convention with the same message that had been brought from Mississippi to the legislature and met with the same courteous reception but no favorable response. The election of United States Senator also showed the general sentiment. The term of James S. Green, a most popular and brilliant man, having expired he was defeated for re-election because he was a Secessionist and Waldo P. Johnson chosen in his stead. Missouri wanted to remain in the union and to be at peace.



## CHAPTER VIII.

### CAMP JACKSON—AND WAR BEGINS

122. **Camp Jackson**—The plans for peace failed. The hope of Missourians that their state should be spared from strife was not realized. In St. Louis was an arsenal owned by the United States government. It contained a large number of guns and a large quantity of ammunition. Governor Jackson, who was now more than ever in favor of secession, still hoped for peace and thought the arsenal should belong to the State if it was needed for the state's defense. In St. Louis was the camp of the regular militiamen of the state. It was called Camp Jackson and was for the purpose of military instruction. General D. M. Frost was in command. Frank P. Blair was the leader of the Unconditional Unionists in Missouri.\* He feared the State troops would seize the arsenal and turn it over to the Secessionists. So with his usual promptness he took steps to prevent that which he believed was likely to be attempted.

\*Francis Preston Blair was the head of the Unionist movement in Missouri. More than any other man he kept Missouri in the Union. He was born in Kentucky, the son of a distinguished statesman. He served two years in Congress and after his work in St. Louis fought through the war as brigadier-general. He was opposed to republican reconstruction measures, and left the party with which he had affiliated to become a Democrat. He was an unsuccessful candidate on the Democratic ticket for vice-president in 1868. In 1871 he was elected United States Senator, serving two years. He was a man of integrity, intellectual strength, superb will and large heart. He died in St. Louis July 8, 1875.

**123. Blair and Lyon**—In the back room of a store building in St. Louis Blair organized and drilled a large number of volunteer soldiers. They were mostly Germans. The Germans had no sympathy with secession and cared nothing about state's rights. Blair held his troops ready for use when the war, which he thought certain, would break out. The United States commander at the arsenal was Major Wm. H. Bell who was believed to be friendly to the state. He was soon, however, succeeded by Major Wagner who held different views. In charge of the government troops was placed Capt. Nathaniel Lyon, a brave, able leader who was bitterly opposed to secession and had no tolerance for those who wished peace.\* "It will be sectional strife," said he, "which I do not care to delay." Blair and Lyon became firm friends. They soon had an army, government troops and volunteers, of 7000 men well drilled.

**124. Jackson's Refusal**—Fort Sumter surrendered on April 13, 1861. That meant civil war indeed. The same day President Lincoln called for 75,000 troops to "suppress combinations too powerful to be suppressed by the ordinary course of judicial proceedings." Missouri was asked for four regiments of infantry. Governor Jackson said defiantly, "They will not be sent." Governor Jackson's reply was in accordance with the sentiment of the state at that time but Blair and Lyon thought it treason.

\*Capt. (afterwards) Gen. Nathaniel Lyon was the military leader of the Unconditional Unionists. A soldier of the regular army he had won promotion for gallantry in the Mexican War. He was of small stature, strong convictions, impatient of restraint and passionately devoted to the union. He was shot through the breast while gallantly leading a charge at the Battle of Wilson's Creek, August 10, 1861, dying instantly. He bequeathed \$30,000 to aid the government in preserving the union.

**125. Lyon Investigates**—There was, in addition to the government arsenal in St. Louis one in Liberty in Clay county. On the 20th of April six days after President Lincoln's call for troops, 200 men under command of Col. H. L. Routt largely from Clay and Jackson counties, marched into Liberty, captured the arsenal and carried away the guns and ammunition. Capt. Lyon heard this and determined the time had come to strike. First General W. S. Harney who was in command of the United States troops at St. Louis, must be sent away. He was opposed to war or to any measures that would cause conflict. Blair, through his friend, Edward Bates, a member of the cabinet of President Lincoln, had great influence at Washington.\* Harney was called to Washington to answer charges which Blair had preferred against him. Lyon, dressed in disguise as an old woman, drove through Camp Jackson on the 9th of May. He found cannon which had been sent up the Missouri river from the government arsenal and secretly placed in the camp. "This is treason," he said, "Harney will return on Sunday. What is done must be done between now Thursday and Sunday."

**126. Frost Surrenders**—General Frost heard that an attack on Camp Jackson might be made. He sent a letter on Friday, the 10th, to Capt. Lyon, stating what he heard and denying any hostile intentions against the United States

\*Edward Bates, Lincoln's attorney-general, was a Virginian of Quaker descent. As a boy he was only prevented from going to sea by his mother's influence. His elder brother, Frederick Bates, was appointed secretary of the Missouri Territory and Edward came to Missouri with him. He was an anti-slavery leader, widely-supported for the republican nomination for president in 1860. He died in St. Louis, March 25, 1860, at the age of 72 years.

troops or property of the United States government. "Let us keep from our borders the misfortunes that unhappily affect our common country," he wrote. But Capt. Lyon would not read the letter. He sent it back to General Frost. Capt. Lyon's soldiers were already on their march to take Camp Jackson. He said it was "a nest of traitors". Within a few moments he had surrounded the camp and called on General Frost to surrender. Lyon had 7,000 men and Frost 700. Frost protested against the action of the United States captain and then surrendered.

**127. Killing of Citizens**—Then occurred an incident most unfortunate. The captured Missouri state troops were drawn up in line and held for an hour. Great crowds of men, women and children gathered. Some hurled stones and vile words at the German soldiers who were on guard. The soldiers resented this and fired upon the crowd. Twenty-eight persons were killed, three of the captured state soldiers who were now prisoners of war, an infant in its mother's arms and one of Lyon's soldiers. The march was resumed to the arsenal and the next day the state troops were released after agreeing not to take up arms against the United States government.

**128. Effect of the Capture**—The news of the capture of Camp Jackson and the killing of citizens spread rapidly. The reports were exaggerated. At Jefferson City the legislature was in special session. A bill to organize and equip the State militia for purposes of defense was being considered. It was strongly opposed. When the news of Camp Jackson came, all opposition was swept away. The military bill was passed by unanimous vote, within 15 min-



utes. Within 5 days the legislature passed laws authorizing the expenditure of over \$2,000,000 "to repel invasion and put down rebellion." The legislature would probably have passed a secession ordinance if it had not already referred to the convention and the people the question of secession. So strong was the feeling aroused by the affair at St. Louis. The capture of Camp Jackson had not crushed the anti-coercion sentiment in Missouri. On the contrary it increased and inflamed the sentiment. Outside Governor Jackson and a few enthusiasts the Secessionists were few. Even the Conditional Union men were coming rapidly to accept the inevitable of coercion. Then the situation changed. The "invasion of Missouri" was bitterly resented. Men, heretofore loyal to the union, declared for the south. Sterling Price, president of the convention that decided against secession, offered his sword to the Governor to fight "in defense of the state." He was appointed Major-General of the Missouri state militia. ,

**129. Harney and Defense**—While the Camp Jackson affair stirred the sentiment for the South, it also strengthened and emboldened the unconditional supporters of the union. General Harney returned to St. Louis and endorsed the capture of the camp. He said that two of the avenues in the camp were called Davis and Beauregard "for traitors" and that men in the camp wore Confederate badges. No government should tolerate such conduct. He would employ all necessary force to maintain the authority of the government. Yet he said he wished for peace and would seek to stop further trouble.

**130. Efforts for Peace**—Some Missourians still hoped

for peace. They asked Gen. Harney as the commander of the United States troops and General Price as the commander of the State troops to talk over the situation with a view of preventing war. The two met and made an agreement. Under this agreement "to restore peace and good order" Price was to be intrusted with the duty of keeping order in the state subject to the laws of the state and national governments and General Harney agreed to make no "military movements which might create jealousies or criticisms." Price dismissed the state troops under the agreement and Harney issued a proclamation asking for peace. Lyon and Blair did not approve of this agreement because it did not include the disbanding of all military organizations. They said the loyal people of the state were oppressed. Reports to this effect were sent to President Lincoln. He relieved General Harney from his command and placed Captain (now General) Lyon as his successor.

**131. Another Effort**—One more effort was made for peace. General Lyon was asked to have a conference with Governor Jackson. He consented. At the conference Governor Jackson, Major Thomas L. Snead\* and General Price represented the state, while General Lyon, Frank Blair and Major Cowant represented the national government. The conference lasted several hours. It was fruitless. Governor Jackson offered to disband all military organizations of the State, to protect all citizens equally and maintain absolute

\*Thomas L. Snead, a Virginian by birth, was adjutant-general under Governor Jackson, served afterward in the Confederate army. He removed to New York in 1865 and was editor and lawyer. He published "The Fight for Missouri," an interesting account of the early days of the war.

neutrality and peace. He asked that General Lyon would agree to disarm the volunteer soldiers known as Home Guards and would pledge himself not to occupy any place in Missouri not already occupied by federal troops. Lyon refused. "The State cannot dictate to my government in anything," he said. "Rather than concede its right to do so in even the most unimportant matters, I would see you and every man, woman and child buried. This means war." It did mean war—four long years of bitter strife between neighbors and friends. Some fought for Union, some for the State. The true Missourian fought bravely wherever he enlisted.

**132. The War Begins**—Governor Jackson and his companies returned immediately to Jefferson City. Behind them they burned bridges, so that Lyon's troops could not follow them on the railroad to the capital. Next day Governor Jackson issued a proclamation asking for 50,000 state troops "to repel invasion and protect the lives, liberty and property of the citizens of Missouri." Then he and other officials left the Capitol hearing that Lyon's army was near. The day after Governor Jackson's proclamation General Lyon started up the Missouri river with steamboats carrying 1,500 soldiers. He was accompanied by Capt. Blair with his volunteer regiment. On Saturday, June 15, General Lyon and his troops reached Jefferson City, disembarked and took possession. The war in Missouri had begun.

## CHAPTER IX.

### BATTLES AND BLOODSHED OF THE CIVIL WAR.

133. **Missouri's Soldiers**—We come now to the terrible civil war. Missouri was not the scene of many great battles. But Missouri, with her people divided in their sympathies between state and nation, between south and north, suffered bitterly. Brother fought against brother and son against father. Worse than the warfare of pitched battles where brave and honest men are engaged were the raids and skirmishes by lawless and bad men who were fighting for plunder and not for principle. There were many of such bands in Missouri. Some fought under one flag, some under another and some under no flag. They came from other states or from the worse elements in this state. But the great majority of the Missourians in the war were gallant soldiers fighting as gallant soldiers always do, for the cause they love. Missouri had no hired men. The Southerners had no money with which to pay and the pittance which the north paid was insufficient for adequate support. Missourians fought because they believed in the union or in the state cause. Yet, Missouri sent 110,000 soldiers to the Union armies and 40,000 soldiers to the Confederate or state armies. This was a larger number to each army in proportion to population than was sent by any other state, north or south. At one time 64 per cent of all the population of military age was under arms. These soldiers, with occas-



ional troops from other states, fought 450 battles and skirmishes during the four years of the Civil War.

**134. Battle of Boonville**—The first battle was at Boonville on June 17, 1861. Governor Jackson, General Sterling Price and General John S. Marmaduke had assembled here about 2,000 untrained volunteers. General Lyon, with 1,500 regular soldiers, pursued them. The state troops were eager to fight. Jackson was absent ill and Price and Marmaduke advised against the battle. Yet, yielding to the entreaty of the hot-headed soldiers they marched out to meet Lyon. This battle was a complete victory for the Union. Only five were killed on both sides. The result was important because it was the first conflict. Lyon's success made bold the Union men and disheartened the southerners. The state troops retreated to the southwest. For two weeks there was no attempt to follow them. At Carthage a few weeks later General Frank Sigel,\* with 4,100 union soldiers met Governor Jackson and some 6,000 of his volunteers. The fierce fight which followed ended in the retreat of Sigel. To Cowskin Prairie in McDonald county, the state troops retired to get ready for more fighting. They drilled, made bullets out of the Granby lead in hollow trunks of trees and then marched to battle. Only three-fourths of the number had guns. The others were unarmed. Nor was that great military leader of the north in

\*General Franz Sigel was born in Germany, November 18, 1824. In 1858 he came to St. Louis as a teacher of mathematics. He had served as a revolutionist in Germany in his early days and when the war began in Missouri he promptly organized a regiment and enlisted for the Union. He served with distinction in Virginia in the later years of the war. After the war he made his home in New York City.

Missouri, Nathaniel Lyon, idle. Marching to the southward he engaged the state troops under General Rains at Dry Springs, August 2. The fight was stubborn and Rains was forced to beat a retreat.

**135. Battle of Wilson's Creek**—The next battle was at Wilson's Creek, near Springfield, August 10, 1861. It was, in view of the number of troops engaged, the fierceness of the fighting, the prominence of the leaders and the death of Lyon, one of the most notable, if not the most notable of all the battles in Missouri. The state troops were led by Ben McCulloch, a Confederate general from Arkansas. He hesitated about giving battle until urged by General Price and the Missouri leaders. General Lyon was in command of the union armies. Probably 16,000 men were in the battle, though not all at any one time. Of these, 6,000 were Union and 10,000 state troops and Confederates. The battle was long and bloody. Lyon, with his usual courage, made the attack. On Bloody Hill where the hardest fighting took place twenty-five per cent of those engaged were killed or wounded. Wilson's Creek was a defeat for Lyon's soldiers. General Lyon himself was killed while at the head of his troops. McCulloch declined to pursue the beaten Union army. He was a Confederate general and did not wish to further invade Missouri which was a loyal state. So the confederates reaped little benefit from their hard-earned victory. Price, with his Missourians, was not strong enough to follow the broken Union army.

**135. Siege of Lexington.**—The battle and siege of Lexington began on the 18th of September, 1861. McCulloch had returned with the Confederate soldiers to Arkansas,

while Price had marched north to the Missouri river. At Lexington Col. James A. Mulligan was strongly intrenched. Price, with 7,000 men, surrounded the Masonic Hill upon which Mulligan and his men, numbering about 3,000, were behind embankments. After a brave defense for 52 hours Mulligan surrendered, half starved and suffering from thirst. At Springfield and Belmont in the same year there was hard fighting. At Belmont General U. S. Grant commanded the Union troops.

**136. Legislature in Special Session**—Shortly after the battle of Lexington Governor Jackson called a special session of the legislature to meet at Neosho. Here less than a majority met on October 21 and passed an act of secession and annexation, detaching the state of Missouri from the United States and making it a state of the confederacy. Of course the legislature had no right to pass such an order even had a quorum attended. Yet senators and representatives from Missouri were named to be admitted to the Confederate congress. It may be well for convenience to speak of all the southern troops now as Confederates, though the state was never out of the Union.

**138. Battle at Pea Ridge**—Early in 1862, a battle took place, March 6, at Pea Ridge, Arkansas, or Elk Horn as it was called by the Confederates. The Confederates were commanded by General Earl Van Dorn. General Curtis was the Union commander. The battle lasted three days with varying fortunes. Finally on the third day the Union soldiers won and the Confederates retreated. A large number of soldiers on both sides were Missourians. General McCulloch was killed, General W. Y. Slack of Missouri was

killed and General Price was wounded. Shortly after this battle General Price published an address in which he bade farewell to the Missouri State Guard. He was transferred to the east side of the Mississippi river where the 5,000 Missourians who followed him became soldiers in the regular Confederate army. They fought through the war and, reduced in number to 400, they fired their last shot in a skirmish at Fort Blakely on the Gulf of Mexico on April 9, 1865, the day when Lee surrendered at Appomattox.

**139. Events of 1862**—The year 1862 was filled with minor conflicts. The guerilla warfare was at its worst. Roving bands terrorized different sections. The skirmishes were largely south of the river. The “bush-whackers,” “guerillas” and “Jayhawkers” were dangerous and unscrupulous foes. Battles of some note occurred at Independence, Lone Jack, Newtonia and, just across the line, at Cane Hill, Arkansas. No battle gave lasting peace. Victory, whichever side won, was but temporary. Colonel Jo Porter crossed the Missouri river to the north to recruit confederate soldiers. He found many willing to join him but he was so closely pressed by the Union soldiers and so fiercely fought at Moore’s Hill, Knoxville and elsewhere, that he returned with only his original band of 80 men. Most of the fighting was south of the river. It was only upon some brief and desperate raid or in some conflict between local troops that the section of the state north of the river was involved.

**140. Order No. 11**—The story of civil war is dark and fearful. No more dark and fearful scene of the civil war in Missouri has been shown than that which General Geo. C. Bingham, a brave Union soldier, paints in his famous picture



“Order No. 11.” The year 1863 saw no pitched battles in the state. It witnessed much of the brutal guerilla warfare. This warfare was specially persistent along the western border. Quantrell, “a dull and sullen knave,” led a band of guerillas into Lawrence, Kansas, robbed, burned and murdered. Partly for this reason and partly because he believed it to be the best way to stop the horrors of war, the Union General Thomas Ewing issued an order (No. 11) which commanded all persons then living in the country districts of Cass, Jackson, Bates and part of Vernon counties to remove out of these counties. If they could prove to this military commander their loyalty they would be permitted to go to the military station or to Kansas. Otherwise, they must remove from the district. The result was desolation of the counties. Homes were burned, property destroyed. The order fell heavily on the women and children who were thus sent, unprepared, into exile. For three years the history of these counties was a blank. When the older inhabitants returned in 1866 blackened chimneys showed “The Burnt District” as all that remained of once happy, peaceful homes.

**141. Price's Last Raid**—Gen. Price made a last brilliant though fruitless raid through Missouri in the fall of 1864. Crossing the Mississippi river he entered southeastern Missouri and fought his way against Union troops to the Missouri river and then westward to the Kansas line. Jefferson City was successfully defended by the Union soldiers under Gen. A. J. Smith. One of Price's officers, the picturesque Joe Shelby, captured Glasgow and on October 20, Price defeated Curtis at the Little Blue Creek. On the

23rd, however, the Union cavalry defeated Price's rear-guard and drove the Confederates from Independence. From Independence General Price retreated south into Arkansas. The retreat was well conducted but was almost a continuous fight to the Arkansas line. Except for skirmishes with bands of guerillas the departure of Price ended the Civil War in Missouri. Six months later Lee surrendered and there was peace throughout the nation.

## CHAPTER X.

### THE CONVENTION AND THE PEOPLE.

**142. Government by Convention**—The government of Missouri during the Civil War period was by the convention chosen in 1861. This convention was called to decide upon Missouri's relations to the federal union. We have seen how it declared against secession, revolution and war. Its work did not stop with this. It provided a committee which could and did call the convention together as often as it saw fit. It was this convention and the officers chosen by it which governed Missouri from 1861 to 1864. The convention itself adjourned on July 1, 1863.

**143. Governor Jackson**—Claiborne F. Jackson, who had been elected governor in 1860, went with his soldiers to the south. The lieutenant-governor, Thomas C. Reynolds, who had been chosen at the same time, succeeded him as governor. Neither, however, was at the state capital after the war began. They had little or no power and their acts were not recognized. Indeed except to issue proclamations and to make a few appointments they exercised none of the functions of the governor. Their absence from the capital, however, created need for a stable government. It was at this point that the convention of 1861 assumed supreme authority.

**144. New Officers Chosen**—Meeting in July, 1861, the convention elected Robert Wilson, of Buchanan county, president to succeed the former president, Sterling Price, who was now commander of the state troops. On July 30 it declared vacant the offices of the governor, lieutenant-governor and secretary of state. The convention elected as governor Hamilton R. Gamble, of St. Louis; as lieutenant-governor, Willard P. Hall, of Buchanan county; and as secretary of state, Mordecai Oliver, of Greene county. It declared the seats of the members of the legislature vacant and appointed a time for the election of their successors. This time was postponed, by subsequent acts, until November, 1862. The convention went further. Having abolished the legislature it performed the duties of that body. It passed laws prescribing that no person should vote who did not indorse the action of the convention.

**145. Governors Gamble and Hall**—The convention of 1861 is often called "the Gamble convention." Hamilton R. Gamble, chosen to be the war-governor of the state, was its most influential member. Governor Gamble was a decided Union man, of high integrity, prudence and statesmanship. He died in office January 31, 1864, the 17th governor. He was succeeded as governor by the lieutenant governor, Willard P. Hall, also an appointee of the convention, who served until January, 1865, when a governor elected by the people took the office. Governor Hall was an eminent lawyer and devoted public servant.\* Other able and high-

\*Governor Hall was born in Virginia in 1820, coming to Missouri in 1841, a graduate of Yale. He served with Doniphan in the war with Mexico. For three terms he was a member of congress. He died November 2, 1882,



mindful men were in the convention. It had been chosen at a time when the people sought to send of their best citizens to arbitrate and act upon most important questions. The result was a body representative of the best thought.

**146. Lincoln Endorses Gamble**—Many actions of the convention have been criticised as being without legal authority. The criticism is doubtless just. But they are properly excused on the grounds of military necessity. The people as a whole gave consent to the actions of the convention. Some objected. At a state convention of the extreme radical element in Jefferson City in 1862, resolutions were adopted denouncing the Gamble convention and the Gamble government. President Lincoln was appealed to for sterner measures than Gamble and his supporters were willing to adopt. President Lincoln, in a prudent and patriotic letter, declined to meet the wishes of the extremists and endorsed the Gamble convention and government.

**147. New Political Parties**—New political parties came into being during the civil war. The dividing line was first in reference to slavery and later with regard to the political rights of the Missourians who aided or sympathized with the South. Nearly everybody favored freeing the slaves. The Radicals wished to free them immediately without paying their owners for them. The Conservatives sought to free them gradually and some wished to pay their owners for the destruction of property which freedom meant. The Gamble convention on July 1, 1863, the day of its final adjournment, passed an ordinance declaring all slaves free after July 4, 1870.\* The state constitution adopt-

\*Missouri was the first slave state in the union which of its own motion set free the negroes.

ed in 1865, provided for immediate freedom. No payment was provided for the owners of the slaves. At the state election in 1863 the total vote was less than 100,000. The Conservatives elected their candidates for Supreme judges by a small majority, less than 1,000, over the Radical candidates. The campaign was bitter and many harsh things were said.

**148. The Legislature**—The twenty-second general assembly or legislature met on December 29, 1862. As speaker of the house was elected L. C. Marvin, emancipationist, of Henry county, who had voted for President Lincoln in 1860. In a message to the legislature Governor Gamble congratulated the people that “the treasonable schemes of the last legislature to make war upon the federal government were thwarted by the very body, the state convention, created to execute them.” He reported that at that time 90,084 men from Missouri had enlisted in the Union armies. Much of the message was devoted to urging the policy of gradual rather than immediate emancipation.\* This legislature elected as United States Senators, B. Gratz Brown and John B. Henderson. || They succeeded Trusten Polk and Waldo P. Johnson who had been expelled from the United States Senate for disloyalty.

**149. Life of the People**—The life of the people during the Civil War period was an unhappy one. Property was destroyed in many sections. It was unsafe everywhere. Families were divided. Often only the women and children

||John B. Henderson was a native of Virginia. He served in the general assembly of Missouri originating the state's railroad laws in 1857. He was one of the seven republican senators whose votes defeated the impeachment of President Johnson.

were left at home while all the men able to bear arms were enlisted in the army of North or South. News might come at any time of the death of father, brother, son. The hardships and privations suffered were great. War is always terrible. It is never so bad as when it is civil war. This adds to all the other horrors of war, the breaking up of families, of homes, of communities. It was from civil war in all its grim cruelty, that the people of Missouri suffered.

## CHAPTER XI.

### THE ADMINISTRATION OF FLETCHER.

150. **Governor Fletcher**—While the civil war was in progress the election of November, 1864, was held. Col. Thomas C. Fletcher,\* the Republican candidate, defeated for governor Col. Thomas L. Price, the Democratic candidate. The state cast its vote for Lincoln for president. At the election it was decided by a large majority to call a state convention to suggest amendments to the constitution. Sixty-six delegates were chosen to the convention. Meeting early in January, 1865, with the blood of Missourians yet hot with the passions of the Civil War, they framed a constitution of unexampled severity. The leading spirit of the convention was its vice-president, Charles D. Drake, || and the constitution is called the Drake constitution.

151. **Slaves Set Free**—Emancipation of slaves was the first subject taken up by the convention. Within the first week after the convention assembled it passed an "ordinance" abolishing slavery from that date. It refused to

\*Thomas C. Fletcher was the first native Missourian to be elected governor. He was born in Jefferson county, January 21, 1827. He served in the Union army and was for a time in Libby Prison. He was the first speaker in the first Republican convention held in a slave state. Governor Fletcher died in Washington, March 25, 1899.

||Chas. D. Drake was a midshipman in the navy from 1827 'o 1830. He was admitted to the bar in 1833. In 1867 he became United States Senator from Missouri but resigned this office to accept the appointment of chief justice of the court of claims in Washington.



submit the ordinance to a vote of the people and sent a copy to Governor Fletcher who issued a proclamation declaring the abolition of slavery. The convention had no legal right to make any of its acts binding until they had been approved by the people. Nobody objected to this ordinance, however, and January 11, 1865, the day upon which the ordinance was passed by the convention, is known as Manumission Day. Slavery had been practically abolished in Missouri since the early days of war. Slave owners had made little or no effort to restrain slaves.

**152. The Ousting Ordinance**—Another “ordinance” was passed by the convention and made effective without a vote of the people. This was the “ousting” ordinance. Great offense was caused by it. Under the ordinance every civil office in the state was declared vacant and the governor was given power to fill them by appointment. The reason for the passage of the ordinance was to fill the offices with loyal men. Governor Hall had declared in his last message in 1864 that “all the civil offices are filled with loyal men,” but this declaration did not change the opinion of the convention. The convention adopted this plan to get rid of resisted. The supreme judges refused to give up their offices and were put out by force. The ousting ordinance was directed at the supreme judges, who it was believed would not uphold the validity of the new acts of the convention; The convention adopted this plan to get rid of them. It did so, though in an unconstitutional way, and in a way that brought about discontent among the people.

**153. The Iron Clad Oath**—The act of the convention

which caused the most bitterness was that affecting the right to vote. The convention decided that no man should vote or hold office who had "ever" engaged in warfare against the United States, or given any aid or comfort to persons so engaged, or who had expressed any sympathy, by act or word, with persons so engaged or who had refused to enlist in the army of the United States. Any person who had ever done any of these things or any thing like them was not permitted to vote, hold office, teach public, private or Sunday school, practice law or preach. An oath, called the "test oath" or "iron clad oath," was required to be taken by the person who wished to teach, preach, practice law, vote or hold office, that he had never been guilty of any of these things. Fine and imprisonment were to be the punishment for persons who taught or preached without taking an oath.

**154. Objections to the Oath**—The law had all the severity of war days. An effort was made in the convention to strike out the word "ever" and put in its stead "since December 17, 1861." It was argued in support of this amendment that Governor Gamble had promised by proclamation and the President had approved that all who returned to their homes before and remained loyal from the 17th of December, 1861, would not be molested. The Gamble convention of 1861 had respected the promise. Many had returned home, had taken an oath of allegiance and remained loyal. It was insisted that the test oath should not be applied to these men. The convention refused to adopt the amendment.

155. **Wise Provisions**—The constitution finally submitted to a vote of the people by the convention of 1865, had with its severe and unfortunate provisions, much of good. Its provisions for public education, primary, elementary and higher, were excellent. A provision that no man who could not read and write could vote was generally approved. Though the constitution had these and other good things in it, the convention was afraid it would not be approved by the people. It took steps to prevent any chance of defeat. It decided that no one could vote upon the adoption of the constitution who did not first take the test oath set forth in the constitution. It then provided a system of registration. The system gave not to the judges of election but to the registering officers the right to say who should vote. Despite this action, the constitution on June 6, 1865, received only 1,862 majority. But 85,578 votes were cast. At least one half of the citizens of the state were not permitted to vote.

156. **Remonstrance to the Oath**—Most violent was the proscription caused by the test oath and the efforts to enforce its provisions. It was resisted by many loyal Union men. Francis P. Blair was one of the first to refuse to take the oath and to appeal to the courts. Great hardship was occasioned teachers and preachers. Many men were indicted for teaching and preaching; a few were fined and more were put in jail. There was general refusal to take the oath. The Catholic Archbishop declared no priest could take it without surrendering his religious liberty. Rev. J. A. Cummings was convicted in the Pike county court of preaching without taking the oath. There was no evidence

that he had ever been disloyal nor was he so charged. He appealed to the United States supreme court which decided the test oath unconstitutional. It said no state could punish men for offenses committed before the law which sought to punish them was enacted. This ended the prosecutions under the test oath.

**157. Political Issues**—The chief political issue in Missouri now became the repeal of the test oath and the abolition of the system of registration and other proscriptive measures. The movement for this repeal and abolition increased. It was led by prominent Union and Republican statesmen. The first campaign, however, that of 1868, resulted in a victory for the policy of registration. The legislature of 1868 passed a registration law even more severe than that previously in existence. Under this law the governor appointed superintendents of registration in each senatorial district. The superintendent appointed three registrars in each county. The four officers made a list of all persons who could vote. They were forbidden to enroll any persons who failed to take an oath of loyalty and were also given the power to refuse any others they chose. This power was sometimes exercised unwisely and corruptly. The law was made an issue in the next campaign. More bitterness and some violence attended the canvas.

**158. State Recovers From War**—During the closing years of Governor Fletcher's administration the state began to recover from the desolating effects of the civil war. Immigrants again sought Missouri. The population which had been largely reduced during the war was now nearly



1,500,000. New railroads were built. Within a single year 1,500 new school houses were erected. All the schools, many of which had been closed during the war, were re-opened. The dawning of a new and brighter day for Missouri was at hand. The war clouds had lifted and the sun of peace and prosperity began to shine.

## CHAPTER XII.

### THE ADMINISTRATION OF McCLURG.

159. **Governor McClurg**—Two political parties nominated candidates for governor at the election of 1868. These were the Republican and Democratic parties. During the war old political divisions had been wiped out in the new issues that arose. After the war the political lines were drawn again though less closely and with many changes. Joseph W. McClurg,\* of Camden county, was the nominee for Governor of the Republican party, while John S. Phelps, of Greene county, was the nominee of the Democratic party, McClurg's majority was over 19,000. E. O. Stanard, of St. Louis, was elected lieutenant governor. The Republicans elected a majority of the legislature.

160. **Negro Suffrage**—Negro suffrage became an issue after the negro had been made free. Shall the negro, who is now a free man, be permitted to vote. The legislature in 1867 had submitted an amendment to the state constitution giving the negro the right to vote. The people, at the election of 1868, refused by a majority of nearly 19,000 to adopt the amendment. On January 7, 1870, the question again arose before the legislature. Congress had passed an

Governor McClurg was born in St. Louis in 1818 and died in Lebanon, Laclde county. He taught school in Louisiana and Mississippi, practiced law in Texas, served in the Union army and, locating at Linn Creek, was twice elected to congress. He resigned this office to become governor.

amendment to the constitution to give the negro suffrage. It would be adopted if three fourths of the states decided in its favor. The Missouri legislature voted for it almost unan-  
imously. More than three-fourths of the states were for it. This gave suffrage to the negro.

**161. Amendments Adopted**—Governor McClurg, in a message to the legislature urged that amendments be submitted to the people which, if adopted by the people, would abolish the test oath and restore the right to vote to all male citizens of the state of lawful age. The legislature adopted the suggestions of the governor and submitted the amendments. There was a brief, but earnest campaign. The amendments were adopted by 111,000 majority. Only 16,000 votes were cast against them.

**162. Bitter Campaign.**—During the campaign which brought about this result the differences in the Republican party, which had existed for some time, grew more intense. One element wished to give the ballot at once to all citizens without regard to past conditions. These were called "Liberal Republicans." Another element wished to restore the ballot "to those justly disenfranchised as soon as it can be done with public safety." These were called "Radical Republicans." At the Republican state convention Carl Schurz, United States senator, presented a report from the committee on resolutions in favor of the liberal policy. It was voted down by 349 to 342, in favor of the radical policy. The supporters of Senator Schurz then withdrew from the convention and had a separate convention. The regular convention renominated for governor Joseph W. McClurg.

The Schurz convention of Liberal Republicans nominated B. Gratz Brown, of St. Louis.\*

**163. Governor Brown**—The election resulted in the election of Brown by 41,000 majority. The Democrats made no nominations. They followed what was called the “passive” or the “possum” policy. The democrats, however, supported Brown. His election was a victory for the liberal or conservative element of the state. J. J. Gravelly was elected lieutenant-governor.

**164. Growth of the State**—The restoration to citizenship of the men who had been in sympathy with the south helped to create a better state of feeling. It aided in the complete restoration of law and order. Whatever grounds for the test oath existed in 1865 they had certainly disappeared in 1870. All citizens were now united in the effort to promote the general welfare. Despite the devastation of the war Missouri had grown during the years from the census of 1860 to the census of 1870. It was in 1860 the eighth state in population. It was now the 5th. It had now 1,719,978 inhabitants. Its taxable wealth was \$474,000,000. This was twice as much as in 1866. During 1870 over one thousand miles of railroad were built in the state.

Benjamin Gratz Brown, by birth a Kentuckian, came of distinguished family. His speech in the Missouri legislature in 1857 was one of the beginnings of the anti-slavery political movement. He edited an anti-slavery journal in St. Louis, was a candidate for governor in 1857 upon a free-soil platform. During the war he was a Union soldier. In 1872 he was a candidate on the Democratic ticket for vice-president but was unsuccessful.



## CHAPTER XIII.

### FROM 1871 to 1880.

**165. Progress in the State**—B. Gratz Brown was the 21st governor of Missouri. During his administration the hatreds caused by the civil war grew less bitter. Men began to realize that differences in political opinions could exist without causing differences in personal friendships. Immigration into Missouri became greater. New schools were opened. The negro, now a citizen, had schools equal in length of term to the schools for white children. The schools for the negroes were supported almost entirely by the white taxpayers. There is no instance in history where a weak and dependent race has received more humane treatment than that accorded in Missouri to the negroes.

**166. Railroad Debt**—Railroad debts caused much trouble in 1872 in various counties. Under the constitution of 1865 county courts were permitted to issue bonds binding when two-thirds of the qualified voters gave their consent. In some instances the county courts were composed of ignorant and corrupt men. In others the "qualified voters" were men with little interest in the welfare of the community. Many voters were disfranchised under the constitution. The result of dishonesty and ignorance on the part of courts and people was that some \$15,000,000 of debt in railroad bonds was saddled on the people of various counties

to pay for railroads that were never built. The bonds were sold to parties in New York or elsewhere who forced the counties to pay. The parties who bought the bonds claimed they did not know of any fraud or sharp practice in their issuing.

**167. Trouble Before Settlement**—In several counties the people resisted the payment of these debts claiming the railroads were never built. In some cases the parties who issued the bonds were attacked. In Cass county a judge, the prosecuting attorney and one of his bondsmen were killed by a mob of enraged citizens. Bitterness spread to adjoining counties and it was months before the feeling of the bonds was allayed. The courts decided the bonds were legally issued and the counties must pay. After some years the bonds were paid in full or, upon a compromise, agreed to by both sides, paid in part. Now only three counties have unsettled railroad debts which originated at this period.

**168. The State Debt**—The state also had railroad debts. Before the civil war the state had issued bonds to the amount of \$23,701,000 in aid of the building of railroads. The railroads in return agreed to pay the interest on the bonds and to forfeit to the state the roads if the interest was not paid. One railroad—the Hannibal and St. Joseph—paid its bonds and the interest. The other railroads failed to do so and were forfeited to the state. The state sold them at a low price, not enough to pay the debt. The debt which remained was over \$31,000,000 including principal and accumulated interest. This debt, largely caused by the

aid of railroad-construction, has since been paid in full. It cost the state many millions in interest and principal, however, before it was finally settled.

**169 Woodson Chosen Governor**—The Liberal Republicans and the Democrats united upon a state ticket again in 1872. Silas Woodson a Democrat, was the nominee for governor. The regular Republicans nominated John B. Henderson of Pike county. Woodson was elected and became the 22nd governor of Missouri, the first Democrat chosen since the civil war.\* At the same election in 1872 Missouri cast its vote for Horace Greeley for president and B. Gratz Brown, the governor of the state, for vice-president. By 1874 the Liberal Republicans had disappeared as a party, some joining the Democratic party and others returning to the Republican party.

**170. Hard Times**—During the administration of Governor Woodson occurred a period of hard times. In the spring of 1873 a great banking house in New York became involved in financial difficulties and could not pay its debts. The panic which this caused spread all over the land. In Missouri many banks failed and the business depression was serious. Trade for a time was paralyzed. To add to the troubles there was a failure in crops because of a long-continued drought in 1873. Governor Woodson recommended

\*Silas Woodson had been a member of the legislature and circuit (prosecuting) attorney in Kentucky his native state. In 1854 he made St. Joseph, his home, where he served as circuit judge during the civil war. He was chairman of the Democratic state convention in 1874 and was nominated for governor as a compromise candidate. He died in St. Joseph in 1896, aged 77 years.

that state and county expenses be reduced. The recommendation was adopted by the legislature and nearly one-half the expenses were cut off. Only in the expenses for public education was there no reduction.

**171. The Grange**—A political result of the business depression of 1873 and 1874 was the formation of the Grange. People asked for the cause of the hard times. Some claimed this was entirely due to bad legislation. They sought to unite all farmers and other workingmen into an organization to correct the evils of this bad legislation. The Grange, sometimes called the Patrons of Husbandry, then came into existence. The organization was chiefly composed of farmers. No lawyers, bankers or merchants were admitted. "The Grangers," as they were called, in a few months numbered over 1,200,000 members. It included upon its rolls many men of ability and integrity and for more than ten years continued to exercise a powerful influence upon the politics of the country. The Grange was specially strong throughout the agricultural west.

**172. Hardin Chosen Governor**—Political lines were drawn anew at the election of 1874. The Liberal Republican party had gone out of existence. The Republicans made no nominations for state officers but united with the Grange in what was called the peoples party to support Major William Gentry, a prominent farmer of Pettis county of governor. The Peoples Party urged a reduction of all the expenses of government. The legislature had already, however, taken steps to bring about such reduction and there were few voters affected by the new party's platform. Charles H. Hardin, the Democratic nominee, was elected



governor.\* The Grange soon afterward disappeared from politics.

**173. The Plague of Locusts**—Missouri was visited in 1874 and again in 1875 by hordes of Rocky mountain locusts or, as they were commonly called, "Kansas grasshoppers." In 1874 they came down from the Rocky Mountains and invaded Colorado and Kansas eating every leaf of grain or vegetable. They reached Missouri late in the summer after most of the crops had ripened and so did little damage. The following year, however, from eggs left of the year previous and from fresh invasions the fields of western Missouri were attacked by the pests. Wheat, corn and meadows were devoured. The locusts were fought back in places by fires but the destruction wrought was great. Governor Hardin proclaimed that June 3, 1875, should be a day of "fasting, thanksgiving and prayer" for Divine deliverance from the plague of locusts. The next day a heavy rain came and a few days later the locusts driven by a strong wind, left the state. In 1876 a few reappeared but since then the locusts have never troubled Missouri.

**174. A New Constitution**—Unsatisfied with the provisions of the constitution of 1865 the people of Missouri in

\*Charles H. Hardin, a native of Kentucky, came to Missouri when a mere child, making his home in Columbia, afterward in Fulton, and later in Mexico. He was a lawyer, served with success as prosecuting attorney and state senator. He was the author of the resolution creating the convention of 1860. He was the only member at the Neosho session of the legislature in 1861 who voted against secession. Hardin College at Mexico, a school for girls, is named in his honor. He endowed it liberally. Governor Hardin died in 1892 at the age of 72 years.

1874 voted to hold a convention to frame a new constitution. This Convention composed of able highminded men, met in Jefferson City on May 15, 1875, and made a thorough revision or restatement of the organic law of the state. When the convention had completed its work it was adopted without a single vote against it. The people on the 30th of October voted 77,000 majority in its favor. It went into effect November 30, 1875, and has been the supreme law of the state since that time. The constitution made liberal provision for public schools, put special restrictions upon the power of taxation, lengthened the terms of many state and county officers from two to four years and contained other new and wise provisions.

**175. Phelps Become Governor**—John S. Phelps, Democrat, of Greene county, was elected governor over G. A. Finkelnburg, of St. Louis. Phelps was the first governor to serve under the new constitution which extended the term of office of the governor to four years and made him ineligible to re-election.\*

\*John S. Phelps was born in Connecticut in 1814 and died in St. Louis in 1886. He came to Missouri in 1837, locating at Springfield to practice law. He served in Congress from 1844 to 1853, achieving a national reputation as a debater and sagacious statesman. He was an officer in the Union army during the civil war. After his term as governor he was offered an appointment on the tariff commission but declined and never again held political office.

## CHAPTER XIV.

### FROM 1880 TO THE PRESENT TIME.

**176. The Crittenden Administration**—Thomas T. Crittenden, of Johnson county, Democrat, was chosen governor in 1880, defeating D. P. Dyer, of St. Louis, Republican. The administration of Governor Crittenden who served the state from 1881 to 1885, as its chief executive, was notable for the final settlement of the Hannibal & St. Joseph—now the Burlington—railroad debt. The state had in 1851 and 1855, issued bonds to aid in the construction of this road. After a number of lawsuits the road, during the Crittenden administration, paid the debt, principal and interest. The outlaw band of train robbers, known as the James boys, was broken up during the Crittenden administration. One of the leaders was killed, another surrendered voluntarily and others were captured and sent to prison.

**177. The Marmaduke Administration**—The election of 1884 resulted in the choice of John S. Marmaduke,\* of Sa-

\*Thos. T. Crittenden studied law in Kentucky, his native state, under John J. Crittenden, his uncle, and, in 1860, came to Missouri. He served in the Union army as colonel in the civil war. After the war he was a law-partner of Gen. F. M. Cockrell at Warrensburg. He served from 1872 to 1876 as a member of Congress.

\*John Sappington Marmaduke was a native of Missouri, his father, Meredith M. Marmaduke, governor from 1844 to 1846, was a staunch Unionist. His son, however, entered the Confederate army and became a major-general. After the war he became a commission merchant in St. Louis and later engaged in journalism. In 1875 he was appointed railroad commissioner and, in 1876, elected to that office for four years. He never married. He died at Jefferson City, December 28, 1887, aged 54 years.

line county, Democrat, for governor, and Albert P. Morehouse,\* of Nodaway county, for lieutenant governor. The Republicans nominated Nicholas Ford, of Audrain county, for governor, and the Prohibitionists, who made an unusually energetic campaign, nominated John A. Brooks, of Kansas City. Governor Marmaduke, in response to a growing public sentiment, was urgent in his recommendations to the general assembly that certain inequitable and oppressive rates charged by railroads should be lowered. The general assembly adjourned without any action upon the governor's recommendations. He promptly called the assembly together in special session. At the special session laws forbidding railroads to charge lower rates per car to large than to small shippers, and forbidding to charge higher rates for short distances than for longer distances, over the same road and to the same market, were passed. In 1887 Governor Marmaduke died in office and Lieutenant-Governor Morehouse succeeded him.

**178. Local Option**—During 1887 and for some years thereafter there was intense feeling in the state upon the subject of the "local option law against the sale of intoxicating liquors." This law, enacted by the general assembly in 1887, gave to a locality the right to say, by majority vote, whether or not intoxicating liquors would be sold as a beverage in that locality. Towns, containing 2,500 population or over, had the right to decide for themselves and also the counties had the same right. Elections were held in many towns and counties and there was much excitement and bit-

Albert P. Morehouse was a lawyer, a native of Ohio and had served in the Missouri legislature. He died in Maryville in September, 1891.



ter feeling. A considerable majority of the towns and counties voted against the sale of liquor as a beverage. Because of some legal defect, some elections were held by the courts to be invalid.

**179. Under Governor Francis**—At the election of 1888 David R. Francis,\* of St. Louis, was chosen governor and Stephen H. Claycomb, of Jasper county, lieutenant-governor, both Democrats. The Republican nominee was E. E. Kimball, of Vernon county. During the administration of Governor Francis it became known that the state treasurer had stolen some \$32,000 of public funds. He was removed from office, tried, convicted and sent to the state prison. This is the only instance of such theft in the history of the state. The general assembly submitted to the people of Missouri at the general election of 1890, an amendment increasing the number of judges of the supreme court from five to seven. The amendment was adopted. ,

**180. Under Governor Stone**—In 1892 William J. Stone,\* of Vernon county, Democrat, was chosen governor defeating Major William Warner, of Kansas City, the Republican nominee. || The campaign was vigorously prose-

\*David Rowland Francis, born in Kentucky in 1850, moved to Missouri when a lad, becoming, after graduating at Washington University, clerk in a commission house. He was mayor of St. Louis 1885 to 1889, governor of Missouri, 1889 to 1893, secretary of the Interior in President Cleveland's cabinet 1896 to 1897 and president of the Louisiana Purchase Exposition of 1904.

\*William Joel Stone, born in Kentucky in 1848, was admitted to the bar at Columbia, Missouri, in 1869. He served in Congress from 1885 to 1891 and two years later became governor. He was elected United States Senator in 1903, for a term of six years.

||William Warner, beaten for governor in 1892 by Stone, was elected by the Republican legislature, Stone's colleague in the Unit-

cutted by both parties. Under the constitution when the total assessed valuation of the state exceeded \$900,000,000 the rate of taxation for state purposes fell from 20 cents to 15 cents on the one hundred dollars valuation. The result was that for a number of years the revenues of the state were materially reduced and in consequence the strictest economy was practiced by the state to keep within its income.

**181. Railroad and Coal Strikes**—During Governor Stone's administration numerous coal strikes occurred in various parts of the United States. It was feared that the coal miners of Missouri would become involved in such strikes but wiser counsels prevailed and the disaster was averted. Railroad strikes, originating in other states, did in 1884 spread to Missouri and for a time interrupted traffic on three of the railroads. Fortunately there was no destruction of life or property. The free silver issue was especially prominent in this period with Richard P. Bland, a Democratic member of Congress from Missouri as its chief champion.

**182. Recent Administrations**—At the election of 1896 Lon V. Stephens\* of Cooper county, Democrat, was chosen governor defeating Robert E. Lewis, of Henry coun-

ed States senate in 1905. He was mayor of Kansas City in 1871 and afterward served two terms as member of congress. He was a union officer in the civil war. In 1888-89 he was commander-in-chief of the National G. A. R.

\*Lon. V. Stephens was born in Boonville in 1858, where his father, Colonel Joseph L. Stephens, was banker and lawyer. He was appointed state treasurer 1889 and elected for four years in 1893. He learned the printer's trade, was afterward editor, lawyer and then banker.

ty. In 1900 Alexander M. Dockery,|| of Daviess county, Democrat, was elected governor, defeating Joseph Flory Republican, of St. Louis. In 1904 Joseph W. Folk, Democrat, of St. Louis, was chosen governor, defeating Cyrus P. Walbridge, of St. Louis, Republican. The other state officers chosen by the people at the election of 1904 were Republicans.

**183. World's Fair at St. Louis**—During the year 1904 there was held in St. Louis an Universal Exposition to celebrate the 100th anniversary of the purchase by Thomas Jefferson of the Louisiana territory. The year 1903 was the 100th anniversary but the date of the Exposition was deferred a year to permit foreign governments to prepare their exhibits. Missouri voted a million dollars for a state exhibit. St. Louis issued \$5,000,000 in bonds, the citizens gave \$5,000,000 and congress voted \$5,000,000 in aid of the enterprise. Nearly every foreign country was represented. The Exposition was held for seven months and in beauty, educational value and extent surpassed any previous exposition or world's fair. It was of incalculable importance in setting forth the resources and advantages of the middle west.

||Alexander Monroe Dockery was born in Missouri in 1845, was a practicing physician and then banker, served 16 years as member of Congress, where he attained national prominence on the appropriations committee.

||Joseph Wingate Folk was born in Tennessee, October 28, 1869, graduated at Vanderbilt University and was admitted to the bar in 1890. During his term as district attorney of St. Louis he won wide reputation and approval by his fearless prosecution of numerous cases against persons guilty of bribery.

## CHAPTER XV.

### THE MISSOURI OF TODAY.

**184. Missouri's Rank Among the States**—Missouri is fifth of the United States in present population and material wealth. It is easily first in potential resource. Geographically it is the central commonwealth of the federal union. The population according to the census of 1900 is 3,106,665. It is a state of many interests. Other states lead in one or two industries. Missouri takes first rank in all.

**185. Agriculture**—Missouri is an agricultural state. Outside of the cities of St. Louis, Kansas City and St. Joseph, only 7.6 per cent of the population live in towns of over 4,000 population. Farming is the basis of all wealth. Taking Jefferson City, the capital of the state as a center, within 250 miles is the center of the area of farm values of the United States, the center of the total number of farms, the center of oat production, the center of corn production, the center of gross farm income, the center of improved farm acreage, the center of the production of the six leading cereals. One tenth of the corn of the world and one-twelfth of the wheat of the United States are grown in Missouri.

**186. Live Stock**—Missouri is a live stock state. It has more live-stock farmers than any other state. Its live stock are worth \$200,000,000. The quality of the Missouri live



stock is shown when it is recalled that while in the state are only 4½ per cent of all the live stock in the United States, it represents 5 per cent of the value. It has more finely bred live stock than any other state.

**187. Horticulture**—Missouri leads in horticulture as in agriculture and live-stock. There are a third more apple trees in Missouri than in any other state. It is the center of the apple, peach, the berry region of the world. Within its borders are the largest nurseries and the largest orchards known.

**188. Mining**—Missouri is a mining state. It produces 80 per cent of all the zinc mined in the United States. 90 per cent of all the nickel and a large per cent of all the lead. Half the state is underlaid with coal, a greater extent than in any other state. Nearly \$700,000,000 worth of mineral wealth has been taken out of its mines. Its mineral output exceeds that of California while its yield of lead and zinc alone is greater than the total of the silver product of Colorado.

**139. Manufactures and Commerce**—In manufactures and commerce Missouri is a leading state. Cheap fuel and proximity to great and growing markets will increase the rank of the state in this regard. Three-fourths of the surplus products are consumed at home. The home market is unsurpassed. Diverse industries, an extended crop season and unexampled fertility of soil, make, because of the skill of the people, a prosperous community.

**190. Education**—In the earliest constitution Missouri recognized the providence of God, provided for the estab-

lishment of free schools and planned for a state seminary of learning—now the State University. It is not strange that with such ancestry the Missouri of today should have the largest permanent school fund of any state, gives \$14,000,000 yearly to education, set apart one-third of the entire state revenue to the support of the public schools, have two per cent more children in school than the average for the United States, more than 4 per cent fewer illiterates and a churchbell within earshot of every citizen.

**191. Missouri a Central State**—Missouri is sometimes called a southern state and again a western state. It is not a southern state, not a western state. Though it extends further south than Virginia, it extends further north than Kansas. Geographically it is at the very center of continental United States. Though an original slave state Missouri abolished slavery by its own act. It may be properly classed not as a northern or southern, eastern, or western state, but as a central state, a state in a class to itself, with the best qualities of all.

**192. The Most Independent State**—Located between the 30th and 41st parallels of north latitude and between the 89th and 96th meridians of west longitude, Missouri is a part of the temperate zone in which the work of the world is done. The state is 328 miles in length from north to south and contains 69,415 square miles. Its population numbers 45.2 persons to the square mile. Its peculiar development is due primarily to her control of the Missouri river. Economically speaking, Missouri is the most independent state in the union.

**193. The People of Missouri**—The people who have

made Missouri have been Missourians—a people fearing God and honoring man, of sane not stagnant conservatism, jealous of religious, political and industrial freedom, building home and church and schoolhouse, felling the forest, tilling the soil, digging the mine, toiling in factory and holding high ideals of citizenship in public and in private life. The spirit of Missouri is the spirit of progress, tempered by conservatism. It rejects not the old because of its age nor refuses the new because it is not old. It is the spirit of a community, conscious of its own secure position, somewhat too careless at times of the world's opinion, hospitable, generous, intelligent, brave. The dream of the greatest statesman is a nation of useful citizens dwelling in happy homes. In Missouri the dream finds realization.

**194. The State Motto**—The noble Latin motto of the state has ever expressed, and does, the spirit of the united citizenship: “Let the welfare of the people be the supreme law.” Nobler motto there could not be for commonwealth or citizen.

# APPENDIX A

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## THE CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

### ARTICLE I.

#### SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

#### SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New



York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

### SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial judgment, and punishment, according to law.

### SECTION IV

The times, places, and manner of holding elections for Senators

and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V.

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

#### SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives,

and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

## SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;



To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy;

To make rules for government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the State respectively the appointment of the officers, and the authority of training the militia according to discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no



person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present emolument, office, or title, of any kind whatever, from any king, prince or foreign state.

## SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any im-  
tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

## SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust, or profit under the United States, shall be appointed an elector.

(The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who

have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.)\*

\*This clause has been superseded by article XII., of the Amendments.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

#### SECTION II.

The President shall be Commander-in-chief of the army and navy of the United States, and of the militia of the several States.

when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

#### SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

#### SECTION IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

#### SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.



## APPENDIX A

## SECTION II.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

## SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

## ARTICLE IV.

## SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

## SECTION II

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.



A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

#### SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

#### SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened, against domestic violence.

#### ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislature of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof as the one or the other mode of ratification may be proposed by the Congress; provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In Witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from VIRGINIA.

NEW HAMPSHIRE—John Langdon, Nicholas Gilman.

MASSACHUSETTS—Nathaniel Gorham, Rufus King.

CONNECTICUT—William Samuel Johnson, Roger Sherman.

NEW YORK—Alexander Hamilton.

NEW JERSEY—William Livingston, David Brearly, William Paterson, Jonathan Dayton.

PENNSYLVANIA—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouveneur Morris.

DELAWARE—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA—John Blair, James Madison, Jr.

NORTH CAROLINA—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA—William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, *Secretary*.

## A M E N D M E N T S

## ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ARTICLE II.

A well-regulated militia being necessary to the security of a free State the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches, and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

## ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall

have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

#### ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

#### ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizen or subjects of any foreign State.

#### ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person so voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the



Senate and House of Representatives, open all the certificates and the votes shall then be counted;—the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

#### ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION B. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for

President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or giving aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.<sup>1</sup>

<sup>1</sup>The first ten amendments were proposed in 1789, and declared adopted in 1791.

The eleventh amendment was proposed in 1794, and declared adopted in 1798.

The twelfth amendment was proposed in 1803, and declared adopted in 1804.

The thirteenth amendment was proposed and adopted in 1865.

The fourteenth amendment was proposed in 1866, and adopted in 1868.

The fifteenth amendment was proposed in 1866, and adopted in 1870.

# APPENDIX B

## QUESTIONS ON CIVIL GOVERNMENT.

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### CHAPTER I.

#### *THE MEANING OF GOVERNMENT.*

1. What is government?
2. Why is it necessary?
3. What are the chief purposes for which it exists?
4. Name some other things which are attended to by the government.
5. Name some different kinds of government.
6. Explain why government is necessary in the family.
7. Name some of the privileges which a child possesses in family government.
8. Name some of the duties of a child in family government.
9. Why is the child subject to these duties?
10. Why is government necessary in the school?
11. Explain the pupil's interest in such government.
12. Compare the rules of the school with baseball rules.
13. Show how the citizen is interested in the government of the state.
14. Compare the laws of a state with the rules of school and family governments.
15. Does a citizen have rights in a state?
16. Is he subject to duties?
17. Explain the relation between these rights and duties.

### CHAPTER II.

#### *DIVISIONS AND DEPARTMENTS OF GOVERNMENT.*

1. Why is it necessary to have divisions of government?
2. Name the divisions of government in the United States.
3. Name some of the different kinds of local government.
4. What are some important matters attended to by local governments?
5. Name some of the important things performed by state governments.
6. What matters are dealt with by the national government?

7. Name the different departments of government.
8. Explain the nature of the work of the legislative department.
9. What is necessary in order that the laws shall represent the will of the people?
10. For what purpose does the judicial department exist?
11. How is a just interpretation of the law secured?
12. Show what is attended to by the executive department.
13. What is necessary in the execution of the law?
14. How is it secured?

### CHAPTER III.

#### *OFFICIALS AND ELECTIONS.*

1. Define an official.
2. Why are officials necessary?
3. Do the people ever act for themselves in deciding matters?
4. Give an example.
5. Name the different methods of choosing officials.
6. Define election.
7. Define appointment.
8. Give an example of an official who is elected and of one who is appointed.
9. When are national, state and county elections held?
10. When are city and school elections held?
11. Define suffrage.
12. Who possess the suffrage in Missouri?
13. What is a political party?
14. What does it do?
15. How does it nominate candidates for office?
16. What is a ballot?
17. Explain the method of voting.
18. Explain the method of counting the votes.
19. Who is declared elected?

### CHAPTER IV.

#### *COUNTIES AND TOWNSHIPS.*

1. What is the principle of local self government?
2. Name the divisions of local government.
3. Which is the largest division?
4. Where did the county have its origin?
5. How was it introduced into America?
6. What was the original number of counties in Missouri?



7. How many counties are in Missouri today?
8. How were the boundaries of these counties fixed?
9. How may they be changed?
10. What is the average area of counties in Missouri?
11. What is the average population of such counties?
12. Give area and population of your county.
13. What is a county seat?
14. What is necessary in order to change its location?
15. How are the number and kind of county officials determined?
16. How are most of the county officials chosen?
17. For what terms are they chosen?
18. Explain the different methods provided for the compensation of such officials.
19. Name the county officials.
20. Who compose the county court and how are they chosen?
21. What are the chief duties of the county court?
22. Are these judicial duties?
23. Why is it called a court?
24. What is the chief duty of the county clerk?
25. Name some of his other duties.
26. Explain the duties of the circuit clerk.
27. What are the duties of the recorder of deeds?
28. Give an account of the duties of the sheriff .
29. What is done by the coroner?
30. What is the chief duty of the prosecuting attorney?
31. Explain the duties of the probate judge and public administrator.
32. What kind of matters are attended to by the assessor, collector and treasurer?
33. What control is kept over the treasurer?
34. Explain the duties of the surveyor.
35. Into what divisions is the county divided?
36. For what purpose are such divisions made?
37. What is the general difference between a municipal township and an incorporated township?
38. Name and explain the general duties of the officials of the municipal township?
39. How may incorporated townships be established in any county?
40. Do they exist in your county?
41. What matters are attended to by an incorporated township?
42. Name the officials of an incorporated township.
43. What is a congressional township?
44. For what purpose was it established?
45. Draw a congressional township showing the quarter section in which you live.

## CHAPTER V.

*CITIES, TOWNS AND VILLAGES.*

1. Why is there a special kind of government for cities?
2. Name some of the special needs resulting from the thickly settled population of cities.
3. What is a city charter?
4. How is it created?
5. How can a community become incorporated as a city?
6. Why are different classes of cities provided?
7. Name and explain the different classes in Missouri.
8. In what class is your city?
9. What are the different departments of city government?
10. What are the duties of the legislative department?
11. What is the name of the legislative department of your city?
12. How are its members chosen?
13. Who is the chief executive of your city?
14. What are his duties?
15. What is the term of office of your mayor?
16. Name the other important executive officials of a city.
17. How many of these are in your city?
18. For what purpose do the city courts exist?
19. Who holds the city court in your city?
20. Give some examples of the rapid growth of cities in the United States.
21. Show how this growth has affected the problems of city government?
22. What is a municipal franchise?
23. By whom is it granted?
24. What evils have been connected with such grants?
25. What is municipal ownership?
26. Name some arguments in favor of the same.
27. Name some arguments against municipal ownership.
28. Explain the reform of the civil service in cities.
29. Show how public opinion can secure municipal reform.
30. Why is it difficult to arouse public opinion?
31. Why should a citizen be interested in municipal reform?

## CHAPTER VI.

*THE STATE CONSTITUTION.*

1. Where do we find the origin of American states?
2. How were the colonies changed into states?

3. Explain the nature of the colonial charter.
4. Show its relation to the state constitution.
5. What was the original form of government in Missouri?
5. How and when did Missouri become a state?
7. Name the general classes of matters dealt with by the Constitution of Missouri.
- 8 Explain the bill of rights.
- 9 Name some important rights guaranteed to the individual.
10. Why is it necessary to amend the constitution?
11. What is necessary in order to amend the constitution of Missouri?
12. What is meant by a revision of the constitution?
13. How may the constitution of Missouri be revised?
14. How many times has it been revised?

## CHAPTER VII.

*THE STATE LEGISLATURE...*

1. What is the name of the legislative department of Missouri?
2. What are the names of its two houses?
3. What are the terms of office of senators and representatives?
4. Explain the two classes of senators.
5. Explain the ratio of representation in the house of representatives.
6. Show how representatives are divided according to this ratio.
7. If the population of a county is less than the ratio how is it represented?
8. How many members has the house of representatives in Missouri?
9. How many members has the senate?
10. How are senators chosen?
11. How are senatorial districts formed?
12. Explain gerrymandering.
13. What are the qualifications of a representative?
14. Of a senator?
15. When are the regular sessions of the General Assembly held?
16. When may extra sessions be held?
17. What is the compensation of members of the General Assembly?
18. How does this affect the length of the session?
19. What is mileage?
20. Define a quorum.
21. What is the quorum of each house of the Missouri legislature?
22. Name the chief officials of each house and state how they are chosen.
23. What are committees?
24. What do they do?
25. How are bills introduced?
26. What is necessary before the bill can be voted upon?
27. What vote is required to pass a bill?

28. After a bill has passed both houses what is necessary before it can become a law?
29. How much time is allowed the governor to sign the bill?
30. What is a veto?
31. What is necessary to pass a bill over the veto?
32. Explain lobbying.
33. When is it legal and beneficial?
34. When is it illegal and harmful?
35. What has led to restrictions upon the legislature?
36. Where are these restrictions to be found?
37. Name some of these restrictions.
38. When do laws ordinarily begin to take effect?
39. When may they take effect at an earlier date?
40. How and by whom are the laws published?
41. What are the revised statutes?
42. When and by whom are they prepared for publication?

## CHAPTER VIII.

### *THE STATE EXECUTIVE.*

1. Who is the chief executive of the state?
2. By whom and for what term is he chosen?
3. What qualifications must he possess?
4. What is his salary?
5. How and for what term is the lieutenant-governor chosen?
6. What is his salary?
7. What are his duties?
8. Who succeeds the governor if there is a vacancy in the office of lieutenant-governor?
9. What is the governor's power with regard to the execution of the laws in general?
10. What are his military powers?
11. Explain his power of appointment.
12. What is a reprieve?
13. What is a commutation?
14. What is a pardon?
15. What are the governor's powers and duties in regard to the legislature?
16. What other officials of the executive department are provided by the Constitution?
17. By whom and for what terms are they chosen?
18. What salary does each receive?
19. In what way are additional officials of the executive department provided?
20. How are most of them chosen?
21. Explain the duties of the secretary of state.



22. For what purposes does the state have a military organization?
23. What is the name of such organization?
24. Who compose the National Guard in time of peace?
25. Who has charge of the military affairs of the state?
26. Name some of the state boards and institutions which exist for the promotion of agriculture and similar industries.
27. Name some of the state officials who look after the interests of labor.
28. What are the duties of the board of railroad commissioners?
29. Explain the duties of the superintendent of insurance.
30. Who attends to the inspection of banks and other financial institutions?
31. Explain the duties of the state board of health.
32. Name some of the boards which conduct examinations and issue licenses for the practice of professions and occupations?
33. What is the duty of an inspector of petroleum?

## CHAPTER IX.

*TAXATION AND REVENUE.*

1. For what purposes does a government need money?
2. From what source can this money be obtained?
3. Explain why it is just to compel the people to give money to the government.
4. Define a tax.
5. Define public revenue.
6. Why is it unjust to require everyone to pay an equal amount of taxes.
7. What is the general property tax?
8. Define assessment.
9. Who assesses property?
10. How may the errors of an assessor be corrected?
11. What are the duties of the state board of equalization?
12. Define the rate of taxation.
13. How is it fixed for state and local purposes?
14. Who attends to the collection of taxes?
15. What is a delinquent tax?
16. How is its payment enforced?
17. Name some other kinds of taxes.
18. What percentage of the revenue of the state is derived from the general property tax?
19. When it is necessary for the government to borrow money?
20. What are bonds?

21. What is necessary before money can be borrowed or bonds issued?
22. What are some of the largest items of expenditure of the state?
23. Who keeps the revenue of the state and local governments?
24. Under what conditions can the treasurer pay out public money?
25. In what way is a check kept upon the acts of collector and treasurer?
26. Who attends to this for the state?
27. For the local governments?

## CHAPTER X.

### *PUBLIC EDUCATION.*

1. What is the value of an education to an individual?
2. What is its value to the state?
3. Why are public free schools necessary?
4. What return can the state expect from those who receive public education?
5. Name the branches of public education in Missouri.
6. In whose hands is the government of elementary and high schools?
7. Name the different classes of school districts.
8. What is ordinarily true of the size of a common school district?
9. What is the advantage of having a small common school district?
10. What is the disadvantage?
11. What is a consolidated district?
12. Compare area and population of city and common school districts.
13. What is the governing authority of a school district?
14. How and when are the school directors chosen?
15. Explain the difference in the composition of the school board in city and common school districts?
16. What are the general powers of the school board?
17. What is the length of the school term in your district?
18. What is meant by a "person of school age?"
19. What is the compulsory education law?
20. What is a teacher's certificate?
21. How may it be obtained?
22. What are the duties of a principal and superintendent?
23. Explain county supervision.
24. Explain the duties of the county board of education and county school commissioner.
25. Give an account of the duties of the state superintendent of public schools.
26. What are the classes of revenue for school purposes?
27. Name the different classes of public school funds.
28. Give an account of the appropriations by the General Assembly for public school purposes.

29. What is the chief purpose for which normal schools are established?
30. Explain the governing authority of such schools.
31. How are these schools supported?
32. Explain the governing authority of the University of Missouri.
33. Name some of the departments of the University.
34. Name the different sources from which it derives its support.

## CHAPTER XI.

*CHARITIES AND CORRECTIONS.*

1. Name some of the different forms of public charity.
2. What divisions of government attend to the giving of relief to the poor?
3. In what different ways is this relief furnished?
4. Is there a county infirmary in your county?
5. Where is it located?
6. Define eleemosynary institutions.
7. For what purposes does the state maintain such institutions?
8. How are they managed?
9. For what purposes are the Training School for Boys and the Industrial Home for Girls maintained?
10. Explain the purposes for which jails and calaboses are established.
11. What is the penitentiary?
12. What classes of prisoners are confined in it?
13. Explain the contract system in the penitentiary.
14. Explain the government of the penitentiary.
15. What is the duty of the State Board of Charities and Corrections?

## CHAPTER XII.

*JUDICIAL DEPARTMENT.*

1. For what purposes are courts established?
2. Name the different classes of disputes.
3. Define a civil suit.
4. Define a criminal case.
5. Define a plaintiff.
6. Define a defendant.
7. Name the different grades of courts in Missouri.
8. How is the justice of the peace chosen?
9. How many are chosen in each township?
10. What kinds of cases are brought before a justice of the peace?
11. How is the constable chosen?
12. What are his duties?
13. By whom is the circuit judge chosen?

14. Where is the circuit court held?
15. Who are the administrative officials of the circuit court?
16. What are the duties of the sheriff?
17. What are the duties of the circuit clerk?
18. What are the duties of the prosecuting attorney?
19. Who may arrest a person charged with a crime?
20. What is the object of a preliminary trial?
21. What is bail?
22. What is an indictment?
23. What is an information?
24. Give an account of a criminal trial.
25. Give an account of a civil trial.
26. What differences exist in the rule regarding the manner of reaching a verdict by the jury in civil and criminal cases?
27. What is an appeal?
28. On what grounds may it be demanded?
29. What action may be taken by a higher court on an appeal?
30. Name the different courts of appeals in Missouri.
31. What is the general difference between the kind of cases decided by the courts of appeals and the supreme court?
32. How many judges compose each court of appeals?
33. What are their terms and how are they chosen?
34. How many judges compose the supreme court?
35. By whom and for what term are they chosen?
36. Define impeachment.
37. How may an official be impeached?
38. By whom is he tried?
39. What is necessary to a conviction?

### CHAPTER XIII.

#### *THE NATIONAL CONSTITUTION.*

1. Name some of the examples of union among the colonies before independence.
2. Why was it necessary to have a united government after the states became independent?
3. How was this originally provided?
4. What were the Articles of Confederation?
5. Why were they unsatisfactory?
6. Why could not these defects be remedied?
7. How was the Constitution adopted?
8. How was it ratified?
9. What models were followed in framing the Constitution?
10. Did the Constitution contain a bill of rights?
11. How was it secured?
12. How did the Constitution provide for a division of powers between the states and the national government?



13. How is one government prevented from exercising the powers belonging to the other?
14. What is the usual method for amending the national constitution?
15. How does this method compare with the method of amending the constitution of Missouri?

## CHAPTER XIV.

*ORGANIZATION OF CONGRESS.*

1. What is the name of the legislative department of the national government?
2. What are the names of its two houses?
3. Why was it composed of two houses?
4. Why is the house of representatives known as the popular branch of Congress?
5. What is the term of office of representatives?
6. According to what principle are they distributed among the states?
7. What is meant by the ratio of representation?
8. How often is it changed?
9. What is the present ratio?
10. What is the present membership of the house of representatives?
11. How many of these are from Missouri?
12. What is a representative district and for what purpose is it established?
13. Explain the composition of the senate.
14. How are senators chosen?
15. What demand exists for a change in this method?
16. Explain the classes of senators.
17. What is the advantage of this plan?
18. How is a vacancy in the house of representatives filled?
19. In the senate?
20. State the qualifications of a representative.
21. Of a senator.
22. What special privileges are given to members of congress?.
23. What compensation do they receive?
24. Name the important officials of the two houses and state how they are chosen.
25. Explain the difference in the manner of appointing committees in the two houses.
26. When are the regular sessions of congress held?
27. How may special sessions be called?
28. What is the quorum of each house?

## CHAPTER XV.

*MODE OF LEGISLATION.*

1. Explain the general method of enacting laws by congress.

2. What difference exists in the the vote required to pass a bill in congress and in the Missouri legislature?
3. Explain the president's veto power.
4. What is the general power of the speaker of the house of representatives?
5. To what is this due?
6. Explain how the speaker is able to influence legislation.
7. Upon what does the speaker's power depend?
8. Explain the restrictions upon debate which have been introduced in the house of representatives.
9. Compare this with the situation in the senate.
10. Explain the abuse of the freedom of debate in the senate.
11. Show how the president can influence legislation.

## CHAPTER XVI.

### *POWERS OF CONGRESS*

#### I. REVENUE AND EXPENDITURES.

1. Name the general classes of powers of congress.
2. What restriction exists upon its power to levy a direct tax?
3. Name the general classes of taxes levied by congress.
4. What are taxes on imports?
5. What is a protective tariff?
6. What is meant by free trade?
7. How and by whom are import duties collected?
8. What are internal revenue taxes?
9. How and by whom are they collected?
10. What is meant by uniformity of taxation in the United States?
11. What other sources of revenue are possessed by the national government?
12. Under what conditions must the government borrow money?
13. What are bonds?
14. What is the amount of the bonded debt of the United States?
15. What authority has the control over the expenditures of the national government?
16. How does it authorize expenditures?
17. State approximately the total revenue of the United States for the year 1904-1905.
18. Same for expenditures.
19. What were the largest items of revenue?
20. What were the largest items of expenditure?

#### II. MONEY.

21. Name the two general classes of money in the United States.
22. What are the different kinds of coins?

23. Name the different kinds of paper money.
24. What are coin certificates?
25. Explain national bank notes.
26. What are United States notes?
27. State approximately the total amount of money in circulation in the United States on January 1, 1906.

## III. COMMERCE.

28. What kind of commerce is regulated by the states?
29. What kind is regulated by congress?
30. Name some of the regulations which may be made by congress.
31. What is an immigrant?
32. Name some restrictions upon immigration.

## IV. POSTAL BUSINESS.

33. How is the postal business managed?
34. What kinds of business does it include?
35. What is a money order?
36. What is free delivery?
37. What is rural free delivery?

## V. WAR AND MILITARY AFFAIRS.

38. How may war be declared?
39. What are the different kinds of military forces?
40. What has been the policy regarding the standing army?
41. What led to an increase in its numbers?
42. What is the militia?
43. How may it be called into the service of the national government?
44. What is the approximate number of the naval forces?
45. What is the system of military pensions?

## VI. NATIONAL TERRITORY AND INDIANS.

46. Name the kinds of national territory.
47. What is the District of Columbia?
48. Explain its government.
49. What are the territories?
50. Name the existing territories.
51. In what way is their government provided?
52. What differences exist in their government?
53. How are territories admitted as states into the Union?
54. How does congress provide for the government of the Indians?
55. What is the public land?
56. How was it acquired?
57. What disposition has been made of it?

## VII. MISCELLANEOUS POWERS.

58. How may one become a citizen of the United States?
59. Define an alien.
60. Define naturalization.
61. Explain the process of naturalization.
62. What is a patent?
63. What is a copyright?
64. Explain the powers of Congress over the executive and judicial departments.
65. What crimes may be defined by congress?
66. What is meant by the implied powers of congress?
67. What differences of opinion exist regarding this power?
68. Name an implied power exercised by congress.
69. What are some of the special powers of the house of representatives?
70. Of the senate?
71. Name some of the restrictions upon the powers of congress.
72. Define eminent domain.
73. How is it restricted?

## CHAPTER XVII.

*THE PRESIDENT.*

## I. ORGANIZATION OF THE PRESIDENCY.

1. What is the term of office of the president?
2. What has become the rule regarding the number of terms for which one can be chosen president?
3. What are the qualifications for the office of president?
4. What is the salary of the president?
5. What is meant by the indirect election of the president?
6. In what way has it been made practically direct?
7. How many electors has each state?
8. How many has Missouri?
9. How are electors nominated?
10. How are they instructed?
11. How and when are they elected?
12. What is meant by the general ticket in elections?
13. When and where do the electors meet to cast their votes?
14. How are the votes of the electors counted?
15. How many votes are necessary to elect the president and vice-president?
16. How is the election decided if no one receives a majority of all the votes for president?
17. For vice-president?



18. Who succeeds in case of a vacancy in the office of president?
19. Who succeeds in case there is no vice-president?

## II. POWERS AND DUTIES OF THE PRESIDENT.

20. What is meant by foreign affairs?
21. Through what officials does the president act in these matters?
22. What are treaties?
23. How are they made and ratified?
24. What is the president's position with regard to military affairs?
25. Name the president's legislative powers.
26. Name his judicial powers.
27. How are the other officials of the executive department chosen?
28. Compare with rule in Missouri.
29. What is the executive civil service?
30. How many officials did it include in 1905?
31. What is meant by political appointments and removals?
32. What evils resulted from this practice?
33. How were they remedied?
34. Explain the system of competitive examinations.
35. How many positions were subject to such examination in 1905?
36. Explain how the president is enabled to control the acts of officials who execute the laws.

## CHAPTER XVIII.

### EXECUTIVE DEPARTMENTS AND THE CABINET.

1. Name the executive departments of the national government.
2. Compare in number and organization with those in Missouri.
3. What is the cabinet?
4. What is the general title of the head of a department?
5. Explain the subdivisions in each department.
6. Show the relations existing among the different officials in each department.
7. What are the different classes of duties of the secretary of state?
8. What general matters are attended to by the treasury department?
9. Explain the duties of the treasurer.
10. Name some of the special matters attended to by the treasury department.
11. What important matters other than military affairs are attended to by the war department?
12. Explain the duties of the attorney general.
13. Name the important matters attended to by the department of the interior.
14. Same for the department of agriculture.
15. Same for the department of commerce and labor.
16. Name some of the special bureaus and commissions which are not included in any of the executive departments.

CHAPTER XIX.  
JUDICIAL DEPARTMENT.

1. What are the kinds of cases which can be decided by national courts?
2. When can a court declare that an act of congress or of a state legislature is unconstitutional?
3. Name the classes of national courts.
4. Explain the organization of the district court.
5. Same for the circuit court.
6. Same for the circuit court of appeals.
7. Same for the supreme court.
8. What is the court of claims?
9. How and for what terms are national judges chosen?
10. Compare with rule in Missouri.
11. Compare salaries of national judges and Missouri judges.
12. Name the administrative officials of the district and circuit courts.
13. Who are subject to impeachment in the national government?
14. Explain the process of impeachment.

## APPENDIX C

### *QUESTIONS ON THE HISTORY OF MISSOURI.*

These questions are placed at the close of the book rather than at the end of each chapter in order to encourage a more independent use of the history. Topical recitations should be encouraged instead of the method of formal question and answer. The figures refer to the paragraphs.

1. Who was the first white man in Missouri? How long after Columbus discovered America? What was the result of his expedition?

2. Who were the earliest French explorers? For what purpose did they come from Canada? How did they travel?

3. Who was the leader of the second exploring party from Canada? In whose name did he claim the valley? What did he call the region?

4. When and where was the first settlement by white men in Missouri? Where was the second settlement and by whom? What other settlement was soon made?

5. Who, after the Indians, were the first owners of the land? How did LaSalle take possession of the valley? Where was the seat of French authority?

6. Who were the second owners? How did they acquire possession? How did the Spanish divide the territory? Where did they make the capital? Whom did they name as commandant?

7. Who was the "last great Indian?" How did he treat the French and the English? What was his fate?

8. What of the rule of the Spaniards? Who was the first lieutenant-governor? What of the enforcement of the law?

9. How did the early settlers build their towns? How was property held? What of the social and business life of the people?

10. Were the settlers in Missouri involved in the Revolutionary war? Of what was DeLeyba guilty and what was the result?

11. What notable events occurred during the Spanish rule? What was the population of the district in 1770? In 1780? What was the largest town? From where did later immigration come?

12. When did the United States acquire title to the territory? Under what document?

13. How did France get the Territory back from Spain? When? Was the territory in speech and government, Spanish or French?

14. What did Napoleon fear if transfer became known? Was it long kept secret? What did it cause in America?

15. Why did the settlers desire control of the Mississippi river? Whom did they fear? What did Thomas Jefferson plan to do? How did he proceed?

16. What did Jefferson's commissioners do? Why was Napoleon willing to sell? What was the purchase price?
17. What did the treaty settle? What other important provision in the treaty? What did the people now become?
18. How was the formal transfer made? Who represented the United States? Who represented Spain?
19. How large is Louisiana Purchase Territory? How has it grown?
20. Who was the first governor of the territory of Louisiana? How was it divided? Who became the first governor of Upper Louisiana? When was it separated from the territory of Indiana?
21. For what did the settlers ask Congress? What did Congress do? To what did the people object?
22. What was the condition of land titles? What effect did this have? What did Congress finally pass? What was the result?
23. Was Wilkinson successful as governor? Of what was he accused? What was the outcome of the trial?
24. How is Aaron Burr's life connected with the history of Missouri? What did Burr hope to accomplish? Upon whom did he rely? What was the outcome?
25. What was done in Wilkinson's administration? Who were his associates? How long did he serve?
26. How was the territory divided? What were the military commands? Was the system of organization continued?
27. Whence came the immigration? Why were the English attracted to Missouri? What were the relations between the races?
28. How did the English pioneer differ from the French pioneer? How did the settlers of each race live?
29. How were the houses of the English built? The houses of the French? How were doors and windows made?
30. What of the food and clothing of the pioneer? How were purchases made? What was the most common coin?
31. What of the life of the pioneer? How was he described by the New England visitor? Whence did he get his laws?
32. What provision was made for schools? What was the result of the labors of Riddick?
33. Were the Indians friendly? What treaty was made with the Osages and by whom? What noted men fought in the Black Hawk war?
34. Who was the most famous pioneer? Why did he come to Missouri? What of his treatment, his life and death?
35. How did many statesmen regard the west? What did others think? How was the purchase of the Louisiana territory regarded?
36. Who sent out the Lewis and Clark expedition? When? Who were its leaders? Where and how did the expedition go?
37. When did the expedition return to St. Louis? What had it accomplished? What action did congress take?
38. What were the results of the condition? What effect did it



have on the criticism of the Louisiana Purchase? What was the most important result?

39. What were the Pike expeditions? What did they accomplish? Who were the Pikers?

40. Who was appointed governor of the territory by Jefferson? How long did he serve? How did Lewis die? Who succeeded him as governor?

41. When did the New Madrid earthquake take place? Where did it have its most serious outbreak?

42. What preceded the earthquake? What effect did the earthquake have on the land and water?

43. How were the farms affected? Were many persons killed? What of river navigation?

44. What was Congress asked to do? What did Congress do? Did this afford relief? Why not?

45. When did the territory of Louisiana become the territory of Missouri? How had it been before? Who was the last governor of the old territory? What was his last official act?

46. What privilege did the inhabitants of the territory now possess? How was the territory governed? How were the officers chosen and what were their duties?

47. Who was the first and only governor of the territory of Missouri? How long did he serve? Who was the first delegate in Congress? What were the names of the counties?

48. What laws were passed by the territorial legislature? What was the first bank?

49. What was the population in 1810? In 1820? When and where was the first large permanent English settlement? From where did the new immigration come?

50. What was the occupation of the settlers? Did town or county grow most rapidly? What pursuits other than agriculture were followed?

51. When did the first steam boat reach St. Louis? When did the first steamboat ascend the Missouri river to Franklin? What was the result of the new mode of travel?

52. What of the life of the people? What was the first newspaper? What other evidences of increasing civilization?

53. What followed the tremendous growth? What was the cause? What resulted? How did relief come?

54. When did the territory ask admission as a state? When was it finally admitted? What did the contest over admission involve?

55. Upon what did the contest hinge? What were the arguments for and against admission as a slave state? How was the question of Alabama's admission settled?

56. What was the first struggle in Congress? What was the Tallmadge resolution? What were the arguments for and against the resolution? What was it conceded Missouri would do if the restriction was imposed?

## APPENDIX C

57. What was the first Missouri compromise? How was it brought about? Did it settle the question?
58. What did Missouri do? What did the state constitution contain? What objection was raised? What was the answer to this objection?
59. What was the second Missouri compromise? Who was its author? What was Missouri to do under this compromise?
60. What did Missouri do? What did the Solemn Public Act declare? What action did President Monroe take? What was the date of Missouri's admission to the union as a state?
61. Who was the first governor of the state of Missouri? Who was the first lieutenant-governor? When were the state officers chosen?
62. How was the first legislature composed? When and where did it meet? What did it do?
63. How was the state capital located? What was it called? When was the seat of government moved there? Has it ever been changed?
64. Who were the first two United States senators from Missouri? How were they chosen? How long did they serve?
65. Who were among the early statesmen? Who was John Scott? The first supreme judges? The first attorney-general?
66. With whom did Barton fight a duel? Why? When was duelling stopped?
67. When was the Great Seal of Missouri adopted? What does it contain? What are its devices or emblems?
68. What was the Santa Fe trade? How was it carried on? Was it profitable?
69. Who was the second governor? When chosen? When did he die? Who succeeded him? Who succeeded Governor Williams?
70. Who visited St. Louis in 1825. How was he received?
71. When did political parties take shape? How were electoral tickets named? How was contest for congress decided? Who was chosen governor?
72. Was any attempt made to abolish slavery? What upset the plan?
73. What barbarous practice prevailed? What aroused public sentiment? What did the legislature do? What action was taken by Governor Bates? What did the legislature afterwards do?
74. What is said of the Black Hawk War? What steps were taken by Governor Miller?
75. Who was the fifth governor? What was he called? Why? When and why did he resign? Who was his opponent for the governorship?
76. When was the first railroad convention? What action was taken? Who prepared a memorial to congress? When was a railroad built to Jefferson City?
77. What was the Lovejoy incident? When was Lovejoy killed? What was the result?

78. What was the Platte Purchase? By whom was it owned? How was it secured for Missouri? Why was this difficult?

79. Who succeeded Governor Dunklin? What was the result of the next election? What distinguished the administration of Governor Boggs?

80. What was the origin of the Mormons? Where did they first locate in Missouri? Where next? Where was to be the temple? What difficulties did they have with the Gentiles?

81. When was the first serious trouble? How was it caused? How was it settled? What followed?

82. What became of the Mormon leaders? Where did the Mormons go? What are the Latter Day Saints?

83. Who fought the Seminole War? When? What was the only state asked for volunteers? Who was killed in this war?

84. What was the panic of 1837? What was its result? How long before the country recovered?

85. When did Missouri establish a State University? Where was it located? When was the corner-stone laid?

86. Who were presidential candidates in 1840? How was the campaign conducted? For whom did Missouri vote? Who was elected?

87. Who were the opposing candidates for governor? Who was successful? When did Governor Reynolds die? Who succeeded him?

88. What was the chief issue of the campaign? What did the whigs claim? What did the democrats claim? What was the Missouri belief?

89. What did Governor Reynolds bring about? What were the old laws as to debtors? What was the result of the law?

90. What boundary line was settled in 1840? What were the differences about? How was it settled?

91. What was Muster Day? What was the militia law? Who were excused from military service?

92. What caused the flood of 1844? What was the result of the flood? Has the Missouri river been so high since that time?

93. Who was the ninth governor? Upon what platform was he elected? What were the voters called who supported him? What were their opponents called?

94. When was a new constitution framed? What fate did it meet at the polls? What amendment was afterward adopted? How long did the old constitution remain in force?

95. Why was the annexation of Texas of special interest in Missouri? When was the war with Mexico? What was the result of the governor's call for volunteers?

96. What was Doniphan's expedition? Where did it march? How was Santa Fe taken? What followed?

97. What was the next march of Doniphan? What of the fight at Brazito? How many Americans were killed or wounded?

98. What was the principal battle in which the Missourians



were engaged? What city did Doniphan capture? How did the Missouri troops return?

99. What was Price called upon to do in Santa Fe? What did Missourians accomplish in this war?

100. Who was the tenth governor? Whom did he defeat? What was the total vote? Who was chosen lieutenant-governor?

101. What stirred the state in 1849? What was involved relative to the extension of slavery? What was said by some Missourians?

102. What were the Jackson resolutions? What was the response of Atchison and Benton to the resolutions?

103. What was Benton's position? What did he call the resolutions? Was Benton successful?

104. What was done by the state toward internal improvements? What railroads were aided?

105. Who was the eleventh governor? Who was his opponent? Who was chosen lieutenant-governor?

106. What issue was discussed in the legislature and throughout the state? How were the parties divided on this issue?

107. What made the discussion more intense? What did some persons hold regarding the Missouri compromise? What was squatter sovereignty?

108. What was the Kansas trouble about? What was the purpose of the immigrants? Did the immigrants appear like actual settlers?

109. How were the aid societies met? How did the first election result? Was this election declared illegal? How did the next election result? Who was John Brown?

110. What was the result of the civil strife? What were the outlaws called? What were some of the outrages committed? Who was James Montgomery?

111. Who was the twelfth governor? Who were his opponents for the governorship? Who was chosen senator? Who succeeded Polk?

112. Who was chosen governor in 1856? Who was the Whig candidate? What was done under Stewart's administration?

113. What was the Dred Scott decision? What did Chief Justice Taney say? What was the effect of the discussion?

114. How had the state grown? What people were the largest immigrants? Why did they migrate?

115. What did the legislature of 1860 decide? What was put in the call for the convention? What did those who believed in secession expect? What of others?

116. What were the new parties? What did each believe? What great newspaper lent its influence to the Conditional Unionists?

117. Who won? How were the members divided between the parties? What was the character of the convention?

118. Who was chosen president of the convention? What



resolutions did it adopt? Who was chairman of the committee that presented the resolutions?

119. What further did the convention declare? What question caused much debate? Where did the convention stop in its declaration?

120. When did the convention adjourn? Did it reconvene? Did the action of the convention reflect the wishes of the majority of the people?

121. What incidents showed public sentiment? Who was chosen senator?

122. Did the plans for peace succeed? What was Camp Jackson? Who was in command? Who was the leader of the Unconditional Unionists? What did he do?

123. How did Blair prepare for war? Who was the commander of the arsenal? Who was the successor? Who was in charge of the United States troops?

124. What did the surrender of Fort Sumter mean? What did President Lincoln do? What was Governor Jackson's reply?

125. Was there another government arsenal? Was it captured? What did Lyon and Blair do when they heard the news of the capture?

126. What action did General Frost take? What was Capt. Lyon's reply? What became of the state troops?

127. What occurred after the surrender? Who were killed? Were the troops released?

128. What was the first result of the capture of Camp Jackson? What was the effect upon the Conditional Unionists? What action did General Price take?

129. What effect did the capture have upon the Unconditional Unionists? What did General Harney say?

130. What further efforts were made for peace? What conference was held? With what result? Did the agreement made stand?

131. What other conference was held? Who took part in it? What did Governor Jackson offer? What was Lyon's reply? What was the result?

132. What did Governor Jackson do? What action did General Lyon take? Did war begin?

133. What is said of Missouri soldiers? Their numbers? Compared with other states? How many battles were fought?

134. When and where was the first battle? Who took part? What was the result? What other conflicts soon followed?

135. What of the battle of Wilson's Creek? How many were engaged in this battle? What was the result?

136. What of the siege of Lexington? How many were engaged on both sides? What other battles were fought?

137. What was done at Neosho? Was it legal? Were representatives chosen to the Confederate Congress?

138. What of the battle of Pea Ridge? What was the result? What became of Price and his troops?

139. What was done in 1862? What were some battles of note? Where was most of the fighting? What of Jo Porter?

140. What of Order No. 11? Upon whom did the Order fall heaviest? What was the result of the enforcement of the order?

141. What of Price's last raid? What of Joe Shelby? What of the retreat? When did the war end?

142. Who governed Missouri during the civil war period? What was the work of the convention? When did it finally adjourn?

143. What became of Governor Jackson? Who succeeded him? Who assumed authority?

144. Who was chosen president of the convention to succeed Price? Who was elected governor? What other action did the convention take?

145. What has the convention been called? Why? Who succeeded Gamble?

146. What has been said of the convention? What did the extreme radicals say of it? What was President Lincoln's reply?

147. What of the new political parties? What was the dividing line? Did the parties wish to free the slaves? What action did the convention take? Who were successful in the election?

148. What of the legislature of 1862? What was said in Governor Gamble's message? Who were chosen Senators?

149. What of the life of the people? What is said of the home and the children? What of Civil War?

150. Who was chosen governor in 1864? For whom did the state vote for president? What convention was called? Who was its leading spirit?

151. What was the first subject taken up by the convention? What action was taken? What was Manumission Day?

152. What was the ousting ordinance? What was its effect? Was there objection?

153. What action of the convention caused the most bitterness? What was the oath called? What were the penalties for not taking the oath?

154. What amendment was offered? Why? Was the effect to amend the oath successful?

155. What wise provision did the constitution contain? How was it acted upon? Was it adopted?

156. Was the test-oath resisted? Who opposed it? What was the result?

157. What was the chief political issue? How did the first campaign result? What was the registration law? What was its effect?

158. When did the state begin to recover from the civil war? How? What was done with the slaves?

159. What parties nominated candidates for governor in 1868? Who was successful? Who was beaten?

160. When did negro suffrage become an issue? What was the first vote of the people? What was the result of the second test of the question?

161. What did Governor McClurg urge? Did the legislature adopt the suggestions? What was the result of the popular vote?

162. What differences arose in the republican party? What were the opposing elements called? Who were nominated by the two elements?

163. What was the result of the election? What policy did the democrats pursue?

164. What of the growth of the state? How did it rank in 1870 in population? What was its taxable wealth?

165. Who was the twenty-first governor? What came about during his administration? What is said of the treatment of the negro?

166. What trouble was caused by railroad debts? How were the bonds sold? Were the bonds issued?

167. Was payment resisted? What was the result? Were the bonds finally paid?

168. What is said of the state's railroad debt? Did the railroads finally pay? Did the state sell the roads?

169. Who were the candidates for governor in 1872? Who won? For whom did Missouri cast her vote for president? What became of the Liberal Republican party?

170. What occurred during the administration of Governor Woodson? What did he recommend? What action was taken by the legislature?

171. What was the cause of the Grange? Of whom was it composed? Where was it strongest?

172. What were the political issues of 1872. What were the party platforms? Who were the candidates for governor? Who won?

173. What is said of the grasshopper plague? What damage was done by them? When did they disappear?

174. When was a convention held to form a new constitution? Was it adopted? When? What are some of its provisions?

175. Who was chosen governor in 1876? Who was his opponent.

176. Who was chosen governor in 1880? What was a notable event of his administration? What was done to enforce law and order?

177. Who was chosen governor in 1884? What is said of the campaign? What was a leading event of the Marmaduke administration? Who succeeded Marmaduke?

178. What is said of the local option law? How did the votes stand? What was held by the courts?



179. Who was chosen governor in 1888? What notable event took place in Francis' administration? What amendment to the constitution was adopted?

180. Who was chosen governor in 1892? What change in taxation took place? What was the result?

181. What is said of the strikes that occurred during Stone's administration? What damage was done?

182. Who was chosen governor in 1896? Who in 1900? Who in 1904?

183. What great event took place in St. Louis in 1904? What was its value to the west?

184. What is Missouri's present rank among the states? How is it located? In what does it excel?

185. What is said of its agriculture? Where did its population reside? What of its cereal production?

186. What is said of its live-stock? How does this compare with other states?

187. What is said of its horticulture? What are its claims here to high rank?

188. What is said of its mining? How does its product compare with that of other states?

189. What is said of its manufactures and commerce? What is said of its future in this regard?

190. What is said of its schools? How does this compare with other states?

191. How can Missouri be best classed?

192. How is it located? What is said of its size and population? What of its economic position?

193. What is said of the people of Missouri? What of its spirit?

194. What is the Latin motto of the state? What does it express?













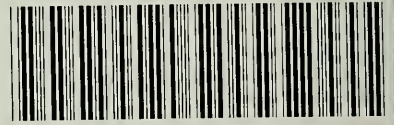


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